

ation against minority groups, justification for ballot security, minority group turnout, and behind such programs. Names can be removed from the [§](A), or criminal conviction or of duplicate registration which permits "correction of" however, it would be necessary application, such as the use of a ad above.

icated procedures of § 8 (d). tion must have his or her ad. n. Any regular effort to purge cation (primary or general) entirely. Potential registrants and attest that they fulfill all [§](A), but the informa- s must not be used for other is the person is registered il ship requirements, the regis- other agencies for which and Naturalization, And to en, Infants, and Children) Federal Election Commission is, 1990), p. 2

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39. Most notably the Washington-based Center for Responsive Politics.
40. Kenneth A. Gross, "The Enforcement of Campaign Finance Rules: A System in Search of Reform," *Yale Law & Policy Review* 9 (1991): 279.
41. Frank Sorauf, one of the most astute students of campaign finance, has raised the possibility that "voluntary funding of campaigns for public office is intrinsically committed to the support of incumbents and likely winners." Frank J. Sorauf, "Competition, Contributions, and Money in 1992," in James A. Thurber and Candice J. Nelson (eds.), *Campaigns And Elections: American Style* (Boulder, Colo.: Westview Press, 1995), p. 81.
42. For a cogent review of the literature, see Frank Sorauf, *Inside Campaign Finance: Myths and Realities* (New Haven, Conn.: Yale University Press, 1992), pp. 215-16. There is an increasing number of dissenters to this view. For instance, Christopher Kenny and Michael McBurnett argue that those who say that the level of incumbent spending has no effect neglect the interrelationship of challenger and incumbent spending in producing the outcome of the election. Incumbent spending is at least partially a function of challenger spending, that is, when challengers spend more, incumbents respond to the increased competition with greater outlays. When this interrelationship is taken into account, both challenger and incumbent spending levels affect the outcomes of the races. Kenny and McBurnett provide empirical evidence to show the effect is statistically significant. (See Kenny and McBurnett, "An Individual Level Multiequation Model of Expenditure Effects in Contested House Elections," *American Political Science Review* 88 (September 1994): 691-707.)
43. See "Campaign Finance Reform: A Report to the Majority Leader and Minority Leader, United States Senate, by the Campaign Finance Reform Panel," March 6, 1990, p. 41. Coauthor Sabato was one of the panel's six members, appointed by then Senate Majority Leader George Mitchell (Democrat of Maine) and then Senate Minority Leader Robert Dole (Republican of Kansas).
44. *Buckley v. Valeo*, 424 U.S. 1 (1976).
45. See Larry J. Sabato, *Paying for Elections: The Campaign Finance Thicket* (New York: Twentieth Century Fund/Priority Press, 1989), esp. pp. 25-42, 61-64. For example, disclosure laws do not currently cover contributions to foundations that presidential candidates sometimes form. These foundations often pay for pre-campaign travel, and openly promote their candidate-creator.
46. The Campaign Finance Reform Panel mentioned above endorsed the free broadcast time proposal in *ibid.*, pp. 25-42.
47. Remarks delivered at the Nieman Foundation, Harvard University, May 5, 1995, p. 7. Hundt has proposed making these new frequencies

Notes

available under two government-imposed restrictions: (1) some broadcast time must be devoted to educational programming for children, and (2) free broadcast time must be given to political candidates and parties. See also Max Frankel, "Airfill," *New York Times Magazine*, June 4, 1995, p. 26; and Mary McGrory, "The Vaster Wasteland," *Washington Post*, June 4, 1995, p. C1.

48. Given the importance of the data, as well as their complexity, a computerized database for campaign finance reports is an essential component of a fair, accountable electoral finance system. Most state agencies that oversee campaign finance have entered the computer age (as the Council of State Government reports, in 1992 virtually all state election boards or ethics boards already had some computing capacity). In addition, states should provide public access to their computerized reports, or in the optimal case, follow the lead of the Federal Election Commission and make an on-line database available for public access (as Alabama, Alaska, Hawaii, Texas, and Washington already have). The FEC database, for instance, made possible much of the authors' research into campaign contributions. It must be noted, however, that any on-line system is limited by the data made available by the provider. A frequent criticism of the FEC is that expenditure reports are not available on the on-line system, although tracking where candidates spend their war chests is frequently as interesting as, and in some cases more interesting than, where their funding originates.

Council of State Governments listed sixteen states (Alabama, California, Colorado, Idaho, Indiana, Iowa, Illinois, Nebraska, North Dakota, Ohio, Pennsylvania, Tennessee, Texas, Utah, Virginia, and Washington) as having no contribution caps for any state or local offices. The council also listed twenty-five states that have at least some limits, which vary by primary or general election and office: Alaska, Arkansas, Connecticut, Delaware, Georgia, Florida, Hawaii, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Jersey, New York, Oklahoma, Rhode Island, South Carolina, South Dakota, Vermont, West Virginia, Wisconsin, Wyoming. Puerto Rico also has contribution caps for general elections. One state actually does perform random audits on campaign finance reports—California. The Franchise Tax Board randomly audits lobbyists and campaign finance reports.

50. The Council of State Governments listed twenty-eight states as having ethics commissions as of 1992: Alabama, Arkansas, California, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, and Wisconsin.

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Plaistow, NH Friday, March 26, 2004



Let's Go Sailing!

THE ROCKINGHAM NEWS

Vote facts sent to AG

By Adam Leech
rockinghamnews@seacoastonline.com

SANDOWN - The New Hampshire attorney general's office has requested election information from several town officials this week following complaints of voting irregularities during the March 9 municipal races.

Following the election, the supervisors of the checklist who oversee the town elections forwarded a list of irregularities to the Board of Selectmen. Selectmen then sent the list on to the attorney general.

The supervisors' complaints included allegations that a non-resident voted, ballots were accepted without proof of identification, two voting machines malfunctioned, ballots were written in a confusing manner, lines were excessively long and discouraged voting, an elderly resident was denied assistance and several voters were deemed suspicious.

Those defending the election process said that a near-record turnout of 1,418 voters, 49 percent of those registered, simply overwhelmed poll workers.

Orville B. Fitch, an assistant attorney general who requested the information, said it is the policy of the attorney general's office not to acknowledge publicly that an investigation is taking place to prevent the misuse of the process.

He was, however, willing to speak in general about how the state investigates election complaints.

Fitch said each election investigation varies in how it is conducted, what is investigated and how long it takes.

As an example, Fitch said if there was an accusation that a non-resident had wrongfully voted in a town, the attorney general's office would look for evidence

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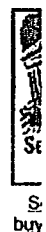
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of where the person was living by investigating where the party slept most nights, where their vehicle was registered, where their address on their driver's license indicates they live and where their children go to school.

In order for the attorney general's office to request the state Superior Court nullify the election and require a revote, there must be serious misconduct or evidence of fraud. Even then, according to Fitch, the town may not have to have a revote if the incident couldn't reasonably have affected the outcome of the election.

The attorney general's office gets about 100 to 125 complaints a year, according to Fitch, and there has not been a nullification in a number years, though he could not be specific as to how many.

Other than requesting a revote, Fitch said the attorney general's office has a general duty to enforce election laws and can bring charges against a party, issue a letter of reprimand or make recommendations for better election practices.

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GOP: Gov.'s bill would encourage voter fraud

Thursday, January 08, 2003

By **TERRENCE DOPP**
Trenton Bureau

TRENTON -- The floodgates for rampant voter fraud would be thrown wide open under legislation being pushed by Gov. James E. McGreevey, Republicans charged Wednesday.

A bill up for a vote in the state Senate would prohibit so-called "third party" registration groups and poll workers from checking voters' identification. Administration officials said the checks would prove a deterrent to some urban voters with little identification.

But critics of the plan maintain it would inject uncertainty into the process by making it unclear exactly who is voting and how often.

"You can't put people through the third degree to vote or else no one would vote. People should not be hassled before they enter the voting booth," said McGreevey spokesman Micah Rasmussen. "He wants as many people to exercise their rights as possible."

Legislators in the Assembly passed the measure 72-3 on Dec. 15.

The bill is an updated version of one McGreevey vetoed Dec. 8 because he said it was too strict in requiring the identity checks. It springs from the federal Helping America Vote Act (HAVA) passed in October 2002 after the contested presidential election two years before.

State funding for election reforms, establishing a grievance procedure for those who feel they've been wronged at polls and a limited prohibition on paper ballots were part of the original bill. It also doled out about \$4 million in federal funding.

Rasmussen said state election monitors told the administration to change the bill to match federal requirements, which do not allow identity checks.

Ramon de la Cruz, the state's lead figure in enacting HAVA, said the issue shows the growing pains of states grasping to meet federal guidelines foisted upon states with no appropriation and arbitrarily drawn timeframes.

HAVA was intended to increase voter turnout and to insure all votes are cast legally.

One GOP lawmaker said under McGreevey's HAVA plan, there would be no safeguarding the security or integrity of ballots.

"The governor's recommendations provide that when a person is registered to vote through the actions of a third party, such as through a voter registration drive, no identification shall be required to ensure the identity of that person," Sen. Thomas Kean, R-Union, said in a letter to

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Attorney General Peter Harvey calling for a halt to implementing McGreevey's proposal should it clear the Legislature.

"The provision clearly violates both the letter and spirit of the federal law, and invites nothing less than the imprimatur (approval) of the state government for institutionalized voter fraud," Kean added in the letter.

Federal lawmakers issued states a number of mandates with HAVA, including issuing money to scale back the use of paper ballot voting machines. So far the state has received \$13 million under HAVA and is awaiting over \$20 million more, de la Cruz said.

Passage of the act followed the defeat by President Bush of then-Vice President Al Gore after senior citizens in Florida said they voted incorrectly because of punch card ballots.

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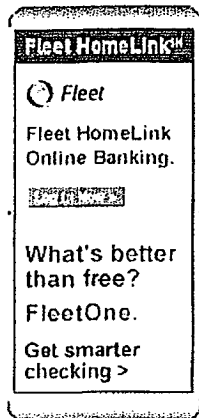
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Fraud Lawsuit Targets Gerson Election

NY



*Forged Signatures
ON Petitions*

By Daryl Kahn
Staff Writer

August 7, 2003, 7:25 PM EDT

According to her death certificate, Elsie Roloan died 9:30 p.m. on June 22, 2001. But her signature appears next to the date June 26, 2003 in an election petition for Manhattan Councilman Alan Gerson and a slate of Democratic judges and party leaders running for office.

This is one of the allegations of election fraud being brought Friday in Supreme Court by a political opponent of the councilman.

The court's decision could determine who will win the race for the 1st District council seat in the heart of the financial district.

The two petitions being challenged, 216 and 219, are, according to court documents, "replete with forged signatures" and note "that it is a travesty for these petitions to have been certified by The Board of Elections."

Among the other allegations made in the court documents are that illegal aliens collected a majority of the signatures, a violation of election law, and that many of the signatures and the witnesses signing them were forged.

Gerson denied the allegations and said that he has no tolerance for "shenanigans" in his campaign. But he added that he and his campaign had nothing to do with the collection of the petitions.

"I have no control or oversight over the petitions in question," he said. "This suit is a total waste of the judiciary's time. It's frivolous."

A candidate is required by law to certify in a cover sheet that the petitions filed with the Board of Elections are valid.

A candidate needs 900 valid signatures to get on the primary ballot. But even if a candidate has enough legitimate signatures, a judge can, if he finds that the petitions are "permeated with fraud," kick a candidate off the ballot.

Norma Ramirez, who filed the suit, said Gerson knew that many of the signatures were fraudulent, including sheet number 126 in petition 219 — where the dead woman's signature shows up.

"Of course he knew," she said.

She said Gerson is part of the city's Democratic Party machine and that these tactics are commonplace.

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"This is about what's been going on for years," she said. "This is about the little people fighting against the machine."

Ramirez was candidate for Female Party Leader in the 64th Assembly District who was knocked off the ballot by a lawsuit brought by Alice Cancel alleging fraud on her petitions. Cancel is also listed on the petition.

The 1st District's borders encompasses one of the most important political regions in the city. Within its borders are the World Trade Center site and the Lower Manhattan Development Corporation steering its future, Wall Street and Chinatown.

The fallout from Friday's decision is crucial because of the party make-up of the district. Like most districts in the city, its voters are overwhelmingly Democrats, at 64 percent. Only 11 percent of the voters are Republican, and the remaining 25 percent are either with smaller parties or unaffiliated.

Political analysts say it is highly likely that the winner of the Sept. 9 Democratic primary will capture the 1st District seat in the November election.

The other names listed on the suit are: John Quinn, candidate for male assembly district leader in the 64th Assembly District, and Shlomo Hagler, Kathryn E. Freed and Marcy Friedman, all Democrats running to fill judge vacancies in Manhattan Civil Court.

029828



September 20, 2001

Questions Face Elections Board Before Primary

By DIANE CARDWELL

With less than a week to go before a hastily rescheduled primary, the city's Board of Elections is facing a set of serious challenges, from trying to inform poll workers of the new elections schedule, to figuring out whether possible runoffs in some citywide races would have to be held using paper ballots, to a lawsuit filed by a group of voters and candidates seeking to postpone the primary election yet again.

At a meeting of the board yesterday, commissioners were still debating where the board would operate from next Tuesday, since the attack on the World Trade Center disabled their computer system, too.

"I think they have a very daunting challenge to pull off the primary and the runoff and the general election," said Gene Russianoff, staff lawyer at the New York Public Interest Research Group, who was at the meeting.

Mr. Russianoff said that one of the biggest problems was informing poll workers that they would be needed Tuesday. The board has resorted to advertising in the print media, but the advertisements only announce the date of the rescheduled primary and are not addressed directly to poll workers.

Board officials said yesterday that workers would be told by elections officials, but Mr. Russianoff said that he still had concerns, given "the low amount of information about the election" that had been getting out. "The fear is that maybe some poll sites would not be able to open up," he said.

Another problem facing the board is how to get its 6,700 voting machines ready for a general election after a runoff, said Gary Berzansky, the chief custodian of the machines. With a possible runoff now moved to Oct. 11, he told the board, he would not have enough time to retrieve the machines, tabulate the results and then to prepare and truck the machines out again for the general election. Mr. Berzansky suggested that any runoff be conducted with paper ballots. He said his office was down by 17 technicians and described his staff, which has worked "45 straight days with no day off in sight," as irritable, tired and very upset about the attacks.

One commissioner said paper ballots would subject the board to allegations of manipulating the elections.

"I'm not trying to manipulate any election," Mr. Berzansky replied. "I'm trying to be realistic."

In the end, the board rejected the proposal, even as Mr. Berzansky said that he could not guarantee that the machines would be ready.

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One plaintiff in the lawsuit, Shirley Kwan, who is the campaign treasurer for Kwong Hui, one of the nine City Council candidates who are also plaintiffs in the suit, told the board that the city was not ready for the election.

"Like many other residents who live in the downtown area, we all have been victims of the tragedy and we need time to heal," she said later. Many residents are not getting the services they need, she said, and are so focused on finding places to stay or getting health care that they cannot focus on the election. The state passed legislation this week that will allow anyone in the affected area below Canal Street to vote by mail-in or absentee ballot.

Joseph Gentili, deputy director of the board, declined to discuss the lawsuit, but Mr. Russianoff said that it was not inconceivable that a judge would postpone the election, although the board had already addressed some of the issues the suit raises.

The board also received notice yesterday that the Police Department would be able to provide officers at the 1,300- odd polling sites. Mr. Gentili said that instead of having two officers splitting the shifts at each site, one officer would work for the entire day. The board also learned that the Police Department would not be able to provide an early unofficial count as it has in years past on election night because the computer lines linking the department to the elections board no longer exist. The first results, Mr. Gentili said, would therefore be the board's own official count, which would not be available until later in the week.

Near the end of the meeting, the commissioners discussed the possibility of making a public service announcement to inform those people who voted on Sept. 11, before the election was scuttled because of the attacks, to return to the polls on Tuesday. Mayor Rudolph W. Giuliani was suggested as the person to make the announcement, but Mr. Gentili nipped that idea in the bud.

"I think the mayor has a lot more things to do," he said.

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Atchley Named By Mattice As District Election Officer posted October 29, 2002

United States Attorney Harry S. "Sandy" Mattice, Jr. today announced the appointment of Assistant United States Attorney Chuck Atchley to serve as district election officer for the Eastern District of Tennessee.

This appointment was made pursuant to a nationwide Department of Justice Voting Integrity Initiative announced by Attorney General John Ashcroft in Washington, D.C. earlier this month. The purpose of this nationwide federal law enforcement program, which the Department has implemented during national general elections since the late 1960's, is to ensure public confidence in the integrity of the election process by strengthening and enhancing the Department's efforts to protect voting rights and to prosecute election crime throughout the country, officials said.

Mr. Mattice said, "Election fraud dilutes the worth of votes honestly cast. It also corrupts the essence of our representative form of government. As a crime against both the individual and the government, it will be dealt with promptly and aggressively."

As district election officer, Mr. Atchley will supervise the investigation and prosecution of election fraud matters in the Eastern District of Tennessee, and will coordinate the District's efforts with Department of Justice prosecutors in Washington, D.C. As part of his responsibilities as district election officer, Mr. Atchley will supervise a team of Special Agents of the Federal Bureau of Investigation (FBI) during the November 5 election, including the preceding early voting period.

These individuals will be on duty throughout the election period to receive complaints of election fraud. AUSA Atchley can be reached by the public at the following telephone numbers: (865)545-4167 and (865)607-8727.

The FBI also will have special agents available in each field office and resident agency in this district to receive allegations of election fraud during the election period. The FBI can be reached by the public at: (865)544-0751.

Mr. Mattice stated that most forms of election crime are easily recognized, such as voter bribery, voter intimidation, and ballot forgery. Other forms of election fraud are more subtle. It is, for example, a federal offense to seek out the elderly, the socially disadvantaged, or the illiterate for the purpose of subjugating their electoral will. Furthermore, every voter has the right to mark his or her ballot in private, free from the watchful eye of election partisans.

Mr. Mattice said, "The detection of election fraud depends in large part on the watchfulness and cooperation of the American electorate. It is imperative that those who have been asked to participate in questionable election practices, or who have observed or have specific information regarding electoral corruption, make that information available immediately to my Office or to the FBI. The cooperation of this country's citizens in helping to protect the sanctity of the ballot box is crucial."

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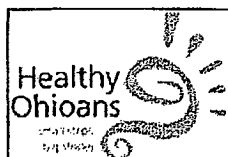
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**Columbus****Con Artist Poses as Elections Worker**

March 25, 2004



The Franklin County Board of Elections is warning residents of a scam artist. ONN-affiliate WBNS reports that an identity thief is prowling the streets of northeast Columbus. He goes door-to-door asking people to register to vote. He shows them a picture I.D., a clip board and a palm pilot. After he receives personal information, he attempts to steal money.

At least six people have complained to the Board of Elections about the scam, but the county says elections officials don't go door-to-door.

The safest way to register is to contact the Board of Elections directly.

However, not everyone who comes to your door and asks to register you to vote is out to scam you.

Many legitimate groups are having voter registration drives to get more people to the polls for the November elections.

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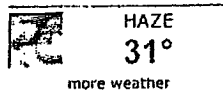
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News

 Elections | Article published Tuesday, December 9, 2003
LUCAS COUNTY BOARD OF ELECTIONS

Vote certification prompts recount in 4 local contests

 By FRITZ WENZEL
BLADE POLITICAL WRITER

The Lucas County Board of Elections certified the Nov. 4 general election yesterday, finalizing its results after an arduous process that had elections workers meticulously examining votes cast in every one of the county's 530 precincts.

The certification triggers recounts of four races or ballot issues:

- Sylvania City Council.
- Oregon City Council.
- The village of Waterville.
- The Swanton School District.

No date was set for those recounts, but they'll be done in the next two weeks, said Joe Kidd, elections director.

The board of elections' unusual attention to detail was required after it was discovered that some poll workers had trouble following unfamiliar sets of directions required because of new electronic voting machines. On two earlier occasions, meetings to certify the election were canceled because the board was not finished with its work.

Poll workers also found themselves scrambling on Election Day because they were short-handed. Many booth official jobs went unfilled, elections records show.

Two workers responsible for recruiting Republican poll workers have been suspended for failure to do their jobs. They face a hearing Dec. 16 to determine their employment status.

Mr. Kidd said problems were to be expected because it was the first countywide election using new machines. He said he believes the March primary election will run much better.

In a related matter, the board directed Mr. Kidd to seek more information from the office of Secretary of State Kenneth Blackwell about a January deadline for counties to pick which voting machine they wish to buy under the federal Help America Vote Act.

*in clear instructions for
Poll worker*

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The board wants to know if it will be granted more time to decide in light of a recent study that revealed the machines up for sale in Ohio have security flaws.

Mr. Blackwell has ordered the companies to fix the flaws before their machines are allowed in Ohio, but those repairs are not expected to be completed by the January deadline.

Paula Ross, chairman of the elections board, said she didn't want to be forced to choose voting machines until the flaws are fixed.

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Missing
petitions

Posted on Tue, Sep. 30, 2003

The Beacon Journal

Summit elections worker fails polygraphs

OH

No. 2 official admitted drug, alcohol use before petition query, sources say

By Julie Wallace
Beacon Journal staff writer

A Summit County Board of Elections employee quizzed as part of a probe into a candidate's missing petitions failed two polygraph tests after admitting using drugs and alcohol before the tests, law enforcement officials said.

Several sources familiar with the investigation identified the employee -- who was not named in a news release issued Tuesday by the Summit County Sheriff's Office -- as Deputy Director John Schmidt, a Democrat who holds the No. 2 position in the board's office.

Schmidt declined to comment. His lawyer, Carmen Roberto, said Schmidt did not fail the polygraphs; he said the results were inconclusive on both tests.

Sheriff Drew Alexander, a Republican, said 11 full-time employees were asked to submit to lie-detector tests in the investigation into the June disappearance of election petitions belonging to Akron City Councilman Joe Finley, D-2. Finley is a maverick often at odds with his party's local leaders.

Eight of those 11 full-time employees easily passed the polygraph.

Three others were tested twice. Two of them had results that initially were labeled inconclusive but later were determined by polygraph examiner Bill Evans to be truthful.

The third employee also underwent two voluntary tests -- showing up and acknowledging to Evans that he had used marijuana and alcohol prior to the appointments, Alexander said.

Alexander, who declined to confirm that the employee is Schmidt, said no charge would be filed against the employee over his admitted drug use because the tests were voluntary.

"Both times, he failed miserably at over \$500 a pop," Alexander said. "That's enough polygraph examinations. I have no confidence that he'd come in and take a third or fourth and not try to beat it."

No charge likely now

Alexander said the failed tests elevate the individual to a potential suspect, but no charges are likely at this point.

"He's a person of interest -- certainly a person of interest," Alexander said. "But... we need a witness or a confession. Until one of those two come forth, we just can't arrest on the fact that he failed a polygraph."

Alexander's office released the information as part of a status update on the investigation. It began after Finley discovered his petitions were missing when he went to the board's Grant Street office to have them filed minutes before the 4 p.m. June 26 deadline. He had submitted the petitions earlier that week for signature verification.

A judge ultimately ordered that Finley be placed on the ballot, and elections board officials asked the sheriff's office to investigate the disappearance of the petitions.

Tuesday's update said the board's offices were searched twice, and detectives interviewed 28 of the

029835

employees. Those 28 were the ones identified as having been around the office from 11 a.m. to 12:30 p.m. June 25 -- the period in which, detectives determined, the petitions had disappeared.

More interviews

Most of the part-time employees -- generally college-age students who are relatives of political operatives in the area -- have not been interviewed. But after meeting with election officials Monday to brief them on the investigation, the detectives agreed to interview those part-timers.

"They felt we needed to interview everybody," Alexander said. "We interviewed the people we thought were in the area during the timeline when the petitions were missing. But to satisfy everybody, we'll interview everybody."

Detectives will track down those people, many of whom have returned to college. Phone interviews will be arranged if possible; lie-detector tests will be initiated only if something of interest is learned, Alexander said.

Those who worked for the board over the summer include the two children of former Akron Service Director Joe Kidder; the son of Wayne Jones, a leader in the county Democratic Party; the daughter of Akron Council President Marco Sommerville, D-3; the son of Akron Councilman Mike Freeman, D-9; and the son of Kevin Davis, a campaign aide for Akron Mayor Don Plusquellic. The Republican part-timers also had political ties -- albeit to lesser-known precinct committee representatives, rather than officeholders and party leaders.

Schmidt, lawyer respond

Schmidt, contacted Tuesday, said he couldn't discuss the allegations and would not acknowledge whether he was the employee in question.

Roberto, Schmidt's lawyer, did deny that Schmidt had admitted using drugs or alcohol before either of his tests.

"I was at the second test. It did not happen," Roberto said.

If investigators ask Schmidt to take a drug test, Roberto said he would encourage his client to do so.

Schmidt, a Cuyahoga Falls City Councilman, was hired at the elections board in September 2002 to replace Yolanda Walker, who took a job leading the Summit County Solid Waste Authority.

Russ Pry, chairman of both the Summit County Democratic Party and the elections board, said he expects the allegations in Alexander's news release will be the topic of an upcoming executive session of the elections board.

Board Director Edna Boyle, a Republican who took over at the board at the end of July, said personnel problems exist that the board needs to address.

"Those are very serious allegations that are made in the statement, and I hope they are dealt with as soon as possible so we can get back to the reason we are here -- to have fair elections," Boyle said. "We need to not lose focus of that here, and I'm afraid we will with all that is going on."

Alex Arshinkoff, chairman of the Summit County Republican Party and an elections board member, said the release is the latest blow to the troubled board.

"This matter is bad enough in and of itself, but what makes it more troubling is that the petition that was stolen is a Democrat who is a maverick and who has endorsed the Republican candidate for mayor, Bryan Williams," the GOP leader said.

"It certainly adds another element of discomfort for the Board of Elections inasmuch as it adds another layer of politics to this outcome and action."

029836

The 2002 Help American Voter Fraud Act

http://www.pardonmyenglish.com/archives/2005/10/the_2002_help_a.html

VT

October 06, 2005

Want to vote by phone? Apparently, it is a possibility...

Americans may soon be able to use the telephone to vote in local elections, and could someday dial in their decision in national races, the WALL STREET JOURNAL reports on Thursday.

The 2002 Help America Vote Act, which was created to simplify the voting process following the debacle in Florida during the 2000 presidential election, helped fund the development of new voting systems.

Vermont is the first state to commit to phone-voting technology. By the November 2006 elections, all of the state's voters who are unable to mark their own paper ballots are slated to use a new telephone voting system. The Vote-by-Phone, initially will be used only in polling places -- but there are plans to expand the system to voters' homes!

The irony here is that an action taken to curtail voter fraud will lead to provisions that will make it easier to commit voter fraud. I can hear the stories now, Democratic operatives will either be A) knocking on doors on Election Day and physically making the calls themselves (which would likely be prohibited); B) employee phone technicians to make calls on behalf of real voters, fooling the system to believe that they are indeed calling from the actual address; C) pay for phone numbers for non-existent or dead persons and voting for them D) all of the above and much, much more. I can see it now, every phone booth will become the residence of a "registered Democrat" who votes party line.

The sad thing is, this not far-fetched.

Posted by Aaron at October 6, 2005 12:32 PM

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Friday, April 25, 2003

4 charged in Knott election Judge-executive, others allegedly paid for votes

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By Alan Maimon
amaimon@courier-journal.com
The Courier-Journal

Four Knott County men, including two-term Judge-Executive Donnie Newsome, were indicted yesterday on federal charges of vote-buying stemming from the troubled May 1998 primary election.

Newsome, 52, and Willard Smith, 54, both of Hindman, and Keith Pigman, 45, of Garner were charged by a federal grand jury in London, Ky., with one count of conspiracy to pay voters to cast absentee ballots in the primary election in which Newsome was running for judge-executive.

Newsome, the first Kentucky elected official in at least five years to be indicted on votebuying charges, also is charged in two counts of the six-count indictment with paying and aiding the paying of between \$50 and \$100 to two voters in the primary. Smith is charged with four counts of paying voters.

Pigman is charged with two counts of paying voters and aiding the paying of voters.

In a separate indictment, Newton J. Johnson, 33, of Brinkley, is charged with four counts of paying voters in the 1998 primary. Johnson also was charged with one count of making false statements to the FBI about his involvement in paying voters and two counts of obstructing justice by urging two witnesses to lie to the grand jury investigating the vote-buying allegations.

Newsome, Smith and Pigman each face up to five years in prison and a \$250,000 fine if convicted. Johnson faces up to 10 years in prison and a \$250,000 fine if found guilty.

An arraignment date in U.S. District Court in Pikeville hasn't been scheduled.

Newsome, who defeated three-term incumbent Homer Sawyer in the May 1998 primary and won re-election last November, didn't return phone calls to his home yesterday.



Donnie Newsome, shown in 1997, is the first Kentucky elected official in at least five years to be charged with buying votes.

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Reached by phone, Pigman said he wasn't aware of the indictment.

"I have no idea what's going on," he said. "I'm amazed."

A Newton J. Johnson of Brinkley also said he had heard nothing about the indictment.

Smith couldn't be reached for comment yesterday evening.

Assistant U.S. Attorney Thomas L. Self and Richard Pilger, a trial attorney with the U.S. Justice Department, are prosecuting the case. The FBI conducted the investigation.

The May 1998 primary election in Knott County drew widespread notoriety in 1999 after six county residents were charged in a federal indictment with conspiring to buy votes of students at Alice Lloyd College, a small private college in Pippa Passes.

It also attracted the interest of federal and state investigators because of the unusually high number of absentee ballots.

Later, state and federal authorities descended on Knott County amid allegations of election fraud. Five of the six people charged with conspiring to buy the college students' votes were convicted or pleaded guilty to federal charges.

So far this year, federal prosecutors have taken aim at alleged vote-buying, a practice that Greg Van Tatenhove, U.S. Attorney for Kentucky's Eastern District, said jeopardizes democracy. "Representative government is diminished when the worth of honest ballots is diluted by ballots bought by those who seek to corrupt the election process."

In March, a federal grand jury in Lexington charged nine people with conspiring to buy votes under the guise of paying people to transport voters to the polls in lawyer John Doug Hays' unsuccessful race last year for Pike County district judge. Hays, his wife, Brenda Hays, and lawyer and coal operator Ross Harris are among those facing charges.

All nine have pleaded innocent.

Last month in Knott County, six men were indicted on federal charges that they paid people to vote in the 1998 primary election.

Five of the six also are charged with lying to the FBI about alleged vote-buying.

The six are charged in five federal indictments returned by a federal grand jury in London. Indicted were Ronnie Neal Slone, 55, and Brady Warren Slone, 57, both of Pippa Passes; Phillip Slone, 53, and Jimmy Calhoun, 33,

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both of Hindman; Patrick Wayne Madden, 45, of Littcart; and Jimmy Lee Conley, 33, of Lackey.

All six have entered innocent pleas.

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Saturday, August 16, 2003

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Knott men acquitted of vote-buying charges Credibility of witnesses may have hurt case

By ROGER ALFORD
Associated Press

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PIKEVILLE, Ky. — Two brothers were acquitted yesterday of charges that they bought votes in a primary election in Knott County five years ago.

A jury deliberated less than two hours before finding Brady Slone, 57, and Ronnie Slone, 55, both of Pippa Passes, innocent of the charges in U.S. District Court in Pikeville.

"This was a case of mind over matter," Ronnie Slone said. "The FBI knew in their minds that we were innocent, but it didn't matter. They brought scum in here to testify against us."

The key prosecution witnesses were three women, two of whom acknowledged in court that they were hooked on prescription drugs around the time of the 1998 primary election. Each testified that Ronnie Slone, an insurance agent, paid her \$100 to vote for certain candidates. They said Brady Slone, a retired public school principal, stood nearby when the payments were made.

Defense attorneys called a Knott County physician and a pastor as character witnesses who testified that the Slone brothers had unblemished reputations for integrity and truthfulness.

Ned Pillersdorf, attorney for Brady Slone, said he believes the lack of credibility of the

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prosecution's witnesses, coupled with the Slones' record of community service, led to the acquittal.

"Prosecutors shouldn't have selected this case, with the underwhelming credibility of the witnesses," Pillersdorf said. "There are plenty of unsavory characters that bear looking into. My client is a hero who was injured in combat. You don't try to convict a Vietnam veteran with shrapnel in his head on the testimony of noncredible witnesses."

Brady Slone received the Purple Heart for the injury he received in February 1967.

"This government sent me to war as a combat medic and destroyed my life, and now this government treats me like scum," said Brady Slone, who wept after the verdict was read. "I don't like it."

One of the prosecution witnesses, Monica Miller, a former Hindman resident who now lives in Cincinnati, testified that Ronnie Slone paid her for her vote while Brady Slone stood nearby. Prosecutors claimed Brady Slone was acting as a lookout.

Miller and her friends Ann Slone and Jana Slone, who may be distant relatives of the brothers, each testified that they went to the Knott County Courthouse together, voted, then drove to the outskirts of town where they were paid.

All three of the women needed the money, said federal prosecutor Richard C. Pilger from the U.S. Department of Justice in Washington.

"These women were exploited," Pilger said. "They were poor, hard-pressed women. The kind of people susceptible to selling their votes."

FBI Special Agent Tim Johnson said he contacted the three women as part of his investigation. He said they were "very reluctant" to answer his questions.

Johnson, who testified that he had interviewed about 175 people in his investigation, said the U.S. attorney's office had agreed to grant immunity to the women for the crime of selling their votes if they cooperated.

"They didn't want to be here," Pilger told jurors in the Pikeville courthouse. "They didn't want to get these guys in trouble. They had no reason to lie."

However, defense attorney Steve Owens, representing Ronnie Slone, said the women had changed their stories numerous times. He said they even acknowledged that their testimony in court differed from their original statements to the FBI.

The Slones became the second and third Knott County residents acquitted of vote buying charges in Eastern Kentucky since June.

On June 20, a federal jury found Jimmy Lee Conley, 33, of Lackey, innocent of buying votes in the same primary election.

Conley was the first of about 20 Eastern Kentuckians indicted this year on charges of election fraud to go to trial.

Two other people indicted in the Knott County probe pleaded guilty to vote fraud earlier this month. Phillip Slone, 53, of Hindman, and Newton J. Johnson, 40, of Brinkley, admitted paying voters \$50 to vote in the primary election.

Five other Knott Countians remain under indictment on federal vote fraud charges, stemming from the same primary election. All have entered innocent pleas.

And in Pike County, 10 people, including a former state senator and his wife, are under indictment on charges of vote fraud involving a race last year for district judge. They, too, have entered innocent pleas.

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Election-fraud trial begins in Pikeville Knott County judge-executive is 1 of 2 charged

By ROGER ALFORD
Associated Press

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PIKEVILLE, Ky. — Defense attorneys wasted no time yesterday attacking the credibility of witnesses who'll testify against Knott County Judge-Executive Donnie Newsome and a campaign worker in their election-fraud trial.

"You're not going to hear from one single credible witness that they are guilty," said Scott C. Cox, a Louisville attorney representing Newsome in the U.S. District Court trial in Pikeville.

Newsome, 52, and Willard Smith, 54, both of Hindman, are accused of buying votes in the 1998 Democratic primary.

Federal prosecutor Richard Pilger told jurors in his opening statement that at least one witness is unable to read, another has mental problems and another is a convicted felon. All were poor and easy prey for unscrupulous candidates, he said.

"We will prove to you that Donnie Newsome picked exactly that kind of people in anticipation of this day," Pilger said.

NEWSOME AND Smith were among several people charged after an FBI investigation into the 1998 primary. U.S. District Judge Danny Reeves said the trial is expected to take several days, perhaps extending into next week.

Pilger said authorities suspected something was amiss in the election when they saw large numbers of absentee votes being cast.

"This was a flag to the FBI," Pilger said. "This was an indication of vote buying."

Pilger and Assistant U.S. Attorney Tom Self, having failed to win convictions in two vote-fraud trials in Pikeville since June, asked that the trial be moved elsewhere.

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Self said he feared publicity and the political influence of the defendants could hurt the chances of a fair trial in Pikeville.

The judge also expressed concerns about pretrial publicity surrounding the case but opted to keep the trial in Pikeville.

In a trial last month, Brady Slone, 57, and Ronnie Slone, 55, both of Pippa Passes, were found innocent of buying votes in the same primary. They became the second and third Knott County residents acquitted of vote-buying charges. In June a federal jury found Jimmy Lee Conley, 33, of Lackey, innocent of buying votes.

Three other people indicted in the Knott County investigation have pleaded guilty to buying votes. Phillip Slone, 53, of Hindman; Newton J. Johnson, 40, of Brinkley; and Jimmy Calhoun, 33, of Hindman, admitted paying voters \$50 each.

The trial of the remaining defendant, Patrick Wayne "Buck" Madden, 45, of Littcarr, is scheduled for Oct. 7.

PILGER TOLD jurors in his opening remarks that Newsome, a former state representative, wanted to be boss of Knott County and bought votes and conspired to buy votes to achieve that position.

"Every citizen is entitled to participate in voting without the taint of vote buying," he said.

Cox said Newsome won the election by working hard. "His campaign strategy was to wear the leather off the soles of three or four pairs of shoes."

The same strategy, Cox said, won Newsome election to two terms in the legislature.

"Believe me," Cox told the jury, "there are two sides to this story."

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Kentucky com

KY

Posted on Tue, Feb. 03, 2004

LEXINGTON
HERALD-LEADER

Knott man gets 20 months for vote fraud

HE WAS ONE OF 12 PEOPLE CONVICTED IN VOTE-BUYING SCHEME

ASSOCIATED PRESS

PIKEVILLE - A Knott County man has been sentenced to 20 months in prison for buying votes in the 1998 primary election.

Patrick Wayne Madden, 46, of Littcarr, will serve two years probation when he is released.

U.S. District Judge David Bunning imposed the sentence yesterday, saying he hopes the punishment will deter others from buying votes in eastern Kentucky.

Madden, who was not a candidate in the election, pleaded guilty. He was among a group of Knott County residents charged in an FBI crackdown on election fraud that netted 12 convictions.

Knott County Judge-Executive Donnie Newsome, a former state representative, was among those caught in the crackdown. He was convicted in federal court Oct. 1 of one count of conspiracy to buy votes and two counts of buying votes.

Newsome's sentencing is scheduled for March 16. He faces three to 15 years in prison.

Another Knott County man, Willard Smith, was convicted in the same trial of one count of conspiracy to buy votes and four counts of buying votes. Smith faces five to 25 years in prison at his sentencing on Feb. 17.

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WE

Voting fraud not a problem in Madison

Phil Brinkman Wisconsin State Journal
May 10, 2005

John Hill really does exist. So do Katie Katz, Donald Schamun, James Kuehl, Janet Griesel, Sandra Angell, John Amundson and Deb Spees.

Brian Stoll is out there, along with Daniel Jay Lee and David Cimino. Angela Franzke moved; so did Nathan Greenawalt, Scott Lueck, Eric Sherman and Paul Sonntag. But they're real people.

In fact, if you took the time, you'd likely find the vast majority - if not all - of those once thought to be Election Day phantoms in Madison are living, breathing voters.

Authorities continue to investigate voting irregularities in Milwaukee, including more than 100 cases of suspected double voting.

But in Madison, where 1,194 address verification cards sent to voters who registered on Election Day in November were returned as nondeliverable, investigators now say only 16 may be problematic.

"The vast majority of them - almost all of them - on their face appear to be someone who moved between voting day and the time when these were mailed out," Dane County District Attorney Brian Blanchard said.

Most of the others either wrote down the wrong ZIP code on their registration forms, forgot to include their apartment numbers in their address or inadvertently wrote down an old address. The post office likely could find them, but election rules require the cards be returned if the address is incorrect or incomplete.

"It doesn't make me feel good," said John Hill, 59, an Army veteran and longtime Madison resident whose voter registration card was sent back to the Madison city clerk because he wrote his ZIP code as 53704 instead of 53705. "I know I didn't cheat, and I know it was all a big mistake. People just make too big a deal of the little things."

Innocent mistakes Such innocent mistakes, which happened thousands of times around the state, have tended to amplify the far more serious - but much smaller number - of likely fraudulent votes such as those announced Tuesday in Milwaukee. Identification advocates regularly cite the number of returned registration cards as evidence Wisconsin needs to require voters to show photo identification at the polls.

Opponents point out such a requirement would do little to stop most of the problems that have been identified, such as people writing down the

029846

wrong address or felons voting, and say it could disenfranchise some elderly or poor voters.

Supporters note the current system, in which registered voters need show no identification and new voters need only a utility bill or another registered voter to vouch for them, invites abuse.

The GOP-led Legislature recently passed a bill requiring a photo ID to vote, but Democratic Gov. Jim Doyle vetoed it.

A hearing on a proposed state constitutional amendment requiring such identification (AJR 36) is planned for 10 a.m. Thursday in Room 300 Northeast of the state Capitol.

At first glance, many of the verification cards that were returned suggested possible voter fraud: The addresses didn't exist, or the person on the card didn't live there.

One card, filled out by a John Amundson, gave an address of "6 S. Madison," not an actual residence. But Amundson is very real. The 45-year-old information technology manager actually lives at 6 S. Yellowstone Drive.

"Sounds like I spaced out the 'Yellowstone,'" Amundson said. "It certainly sounds like the kind of thing I could do."

A letter carrier couldn't find Janet Griesel at 710 Wheeler Road. That's because Griesel moved about two years ago to 710 Malvern Hill Drive from 1630 Wheeler Road. Her card mixed the two, creating an address that doesn't exist.

"My husband probably filled it out for me because I have a vision problem," Griesel said. "He was in a hurry to write his and mine, and I bet that's what he did. Unbelievable."

Katheryn Katz put down the address of her sorority house at 103 Langdon St. when she registered to vote Nov. 2 in her first presidential election. The city clerk sought to confirm her address in January, but by then she had moved to Seville, Spain, where the 21-year-old UW-Madison junior is studying Spanish politics and history.

Sandra Angell moved to her new house five years ago, but for reasons she can't explain, she wrote down her old address on Starker Avenue when she went to vote.

Cheating can be risky Kevin Kennedy, executive director of the state Elections Board, wasn't surprised at the low number of potential fraud cases in Madison. Defrauding the current system is easy but chancy, and the payoff of throwing a few votes toward one candidate probably isn't worth the risk of 4 years in prison, he said.

Allegations of massive fraud, such as one person vouching for a busload of potential voters, are probably apocryphal, Kennedy said. Something like that would make an impression on poll workers, who haven't reported any such incidents, he said.

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Voters can cheat the system. They can, for example, claim to be someone else. But that can be risky, Kennedy said, since it depends on the cheater knowing that the other person hasn't voted yet and that the poll worker doesn't know the person whose identity is being used.

To register as a fictional voter, the person would need to forge documents, such as utility bills, used to verify the person's address. Beginning in 2006, federal law also will require voters to list their driver's license number or, if they don't have a driver's license, the last four digits of their Social Security number.

State Rep. Jeff Stone, R- Greendale, the lead sponsor of efforts in the Assembly to require photo ID at the polls, said the numbers from Madison suggest "a degree of accuracy in the way the system functioned" unlike in Milwaukee.

But he maintained photo ID would improve the system further by allowing poll workers to make a positive identification of the voter, even if the address is outdated, incorrect or fraudulent.

"I think that's something that would improve the potential for pursuing charges against someone who voted improperly," Stone said.

Charges unlikely In Madison, at least, the odds of such charges look exceedingly slim. If someone wanted to forge an identity and vote fraudulently, finding that person is probably next to impossible, Blanchard said.

Then, too, explanations for the 16 cards investigators have pulled out for further inquiry may prove to be as benign as the other 1,178.

On Tuesday, the Wisconsin State Journal found one of those voters, Brian Stoll. He and his wife live where they said they lived on their registration card, at 9921 Soaring Sky Run. But, while the property was recently annexed by Madison, the post office still considers it a Verona address and returned the card.

Stoll, 38, said he's used to such confusion over his address and was willing to overlook his brief tenure as a criminal suspect.

"As long as I didn't end up in jail and I can explain the circumstances, I guess it's OK," he said.

Return to story

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The authors of the study conclude "It would be difficult to imagine a jurisdiction adopting a new technology for voting if it were not satisfied that the proposed innovation was at least as good as the present system on every one of the first ten criteria, and better than the present system on the last seven."

The study urges caution but identified telephone, kiosk, and Internet as three options sufficiently evolved to support testing in a fully functional pilot. Of these, the study said telephone offers the potential for the most significant impact on the largest base of Canadians.

Legislation recently passed by parliament and awaiting royal assent would authorize studies of newer technology and voting.

STUDENT ABSENTEE VOTES

An elementary school physical education teacher and two other Knott County, Ky. residents were convicted April 19 in federal court in Pikesville, Ky. for conspiring to buy absentee ballots from 12 students who attend a small private college. The twelve person federal jury, which deliberated for seven hours over a two-day period, failed to agree on a verdict for two other defendants, one of whom was the brother of the county attorney on the ballot. These two defendants face a retrial in June.

The jury convicted Caney Creek Elementary School physical education teacher Phillip D. Sparkman, of twelve counts of vote fraud and of one count of lying to the FBI. Lola Jean Stone, a sister of one of the candidates on the ballot, was convicted of seven counts and of lying to the FBI. Charlie Maggard was found guilty of three counts of vote fraud. The maximum federal penalty for each offense is five years in prison and a \$250,000 fine. Sentencing will occur later this summer.

After the Alice Lloyd College students were granted immunity, they testified that they were paid \$30 to cast their ballots in 1998 for a slate of local candidates. According to student testimony, they received their payment for votes from Stone after they went to her store where they wore "I Vote" stickers and purchased a peach-flavored "Mr. Fizz" soft drink.

The trial began April 4 but was suspended for a week during Pikesville "Hillbilly Days" celebration. Although all vote buying charges were related to local offices, the federal prosecutors had jurisdiction because federal candidates were on the same ballot.

David Randall Gayheart, the nephew of the County Clerk, was named in a separate indictment for seven counts of paying or offering to pay college students to vote for his uncle, lying to the FBI, and three counts of asking others to lie to the FBI. Gayheart pleaded guilty January 3 to buying votes and co-operated with prosecutors. He is awaiting sentencing.

Kentucky Secretary of State John Y. Brown instituted a "Fraud Busters" program in 1996 to curb vote buying abuses. The state legislature authorized \$10,000 to finance the program which offers a reward of \$1,000 for information leading to a felony indictment for vote fraud. State officials said that the Pikesville convictions, however, were based on complaints made to the FBI, not to state officials.

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CHICAGO SUN-TIMESwww.suntimes.com[Back to regular view](#)<http://www.suntimes.com/output/news/cst-nws-stlouis30.html>[Print this page](#)mo?
SL?**5 in E. St. Louis convicted of vote fraud**

June 30, 2005

BY JIM SUHR

EAST ST. LOUIS, Ill. — A federal jury Wednesday convicted the head of this city's Democratic Party and four others of scheming to buy votes with cash, cigarettes and liquor last November to try to get key Democrats elected.

Jurors in the monthlong trial deliberated more than five hours before convicting local Democratic Party chairman Charles Powell Jr., 61, and Kelvin Ellis, 55, the city's former director of regulatory affairs, of felony conspiracy to commit vote fraud. Also convicted were Democratic precinct committee members Sheila Thomas, 31, and Jesse Lewis, 56, and City Hall worker Yvette Johnson, 46.

Ellis, Thomas, Lewis and Johnson also were convicted of one count apiece of election fraud for allegedly paying at least one person to vote — or offering to do so. Powell was never charged with that count.

Jurors set aside defense claims that the government's case was flimsy because of unreliable witnesses whose testimony often contradicted each other and, at times, was recanted.

Not much direct evidence

"I respect the jury, but I am disappointed," Ellis' attorney, John O'Gara, said after the verdicts. He said the defense would consider asking for a new trial.

A date for sentencing was not immediately set.

"We'll take it one step at a time in terms of where we go from here," said Johnson's attorney, Pearson Bush, who declined to elaborate.

Messages left with attorneys for Powell and Thomas were not immediately returned. Voice mail for Lewis' attorney was full.

Prosecutors provided little evidence directly linking the defendants to the alleged vote-buying, often relying on secretly recorded audiotapes in which they say those accused could be heard talking about paying \$5 per vote in the Nov. 2 election — and whether that amount would be enough.

A federal prosecutor in the case referred calls to his boss, U.S. Attorney Ron Tenpas, who did not immediately return messages left at his office.

Witnesses called liars

Prosecutors alleged that money flowed from the Belleville-based St. Clair County Democrats to their East St. Louis counterparts in a bid to elect certain Democratic candidates, including Mark Kern as St. Clair County Board chairman.

Kern, who narrowly won the race, has denied the allegations and has not been charged with any wrongdoing.

Powell lost his re-election bid to the City Council in April after his arrest.

029850

State records showed that tens of thousands of dollars were transferred from the county Democrats to the committeemen days

<http://www.suntimes.com/cgi-bin/print.cgi>

6/30/2005

before the Nov. 2 election. Party leaders said it was for legitimate expenses, including rides to the polls for people without cars.

Defense attorneys called the audiotapes -- the cornerstone of the government's case -- meaningless entrapments by opportunistic informants intent on seizing power for themselves. Defense attorneys called the prosecution's key witnesses liars.

"I would say jurors looked at these tapes and listened to them, and I'm guessing they are using the interpretations these very faulty witnesses gave them to reach their conclusion," O'Gara said after the verdicts. "I would not have trusted the government's presentation."

AP

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Witnesses disagree in vote fraud case

By Michael Shaw
Of the Post-Dispatch
Thursday, Jun. 16 2005

The government's witnesses in the East St. Louis vote fraud trial don't agree on one of the most surprising aspects of the testimony so far: whether St. Clair County Board Chairman Mark Kern knew vote buying was taking place in East St. Louis during the November election.

The first witness testified two weeks ago that during a telephone conference call in October, she heard prominent Democrat Kelvin Ellis solicit funds from Kern, then a candidate for the job, to pay reluctant voters.

Sandra Stith, a Democrat worker during the Nov. 2 election who already has pleaded guilty to buying votes, is the only other government witness to that call.

She took the stand Thursday and said she remembered the Oct. 21 call. But she said she didn't remember the alleged discussion about more money being needed to swing the election in Kern's favor because some residents perceived him as racist.

"Do you recall any comments about money during that conversation?" Assistant U.S. Attorney Mike Carr asked her.

"No," she replied.

Carr ended his questioning of Stith soon after that exchange.

Five East St. Louis Democratic Party workers are on trial in federal court at East St. Louis, accused of a conspiracy to buy votes in the Nov. 2 election to get Kern and other prominent party members elected. Defendants include Ellis and city party Chairman Charles Powell Jr.

Kern, who would have lost the race without the East St. Louis turnout, has not been charged and has denied any wrongdoing.

Other controversial developments on Thursday led U.S. District Judge G. Patrick Murphy to send the jury home for the day to allow lawyers to prepare for today's proceedings.

Today, prosecutors are expected to present witnesses who will testify that Powell directly paid residents to vote, something his lawyer, Bruce Cook, said left him blindsided. Powell is only charged with leading a conspiracy to buy votes, not with purchasing the votes themselves.

Murphy, the judge, said he was surprised, too, but ruled the evidence was admissible. One witness, identified Thursday as Douglas M. Alexander, 45, is expected to testify Powell paid him \$10 to vote.

Two others, Stephen Young and his wife, Terrell Crow-Young, had been expected to testify that Powell's associate paid them to vote Nov. 2, according to a prosecutor's document filed in the case. But they won't be allowed to testify because they accidentally attended a portion of the trial Thursday morning. Any witness is supposed to be barred from hearing another's testimony, so Murphy excluded them.

Authorities have interviewed at least one other man who said that Powell's associate paid him to vote, according to documents. Cook and other lawyers, who previously had questioned the lack of testimony from actual voters, said Thursday that they wanted extra time to prepare a defense in light of these witnesses.

029852

In another twist, Murphy and the prosecutor, Carr, argued about whether the judge had said in front of the jury that Thursday's testimony by Stith was "damaging" to the government's case.

Carr claimed it happened when jurors were present. Murphy claimed he never said "damaging" in front of the jury. A transcript of the proceedings shows the judge saying "I believe that the witness gave damaging testimony to the government" in front of the jury.

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Jackson, Mississippi

March 28, 2004

7 hit in voter fraud case

- Defeated Tippah County sheriff's candidate among persons named

The Associated Press

RIPLEY — Seven people have been charged with voter fraud in Tippah County, according to the attorney general's office.

While specific individuals were named in the indictments as the candidates for which votes were allegedly bought, Randall L. Wilbanks, a defeated candidate for Tippah County sheriff, was the only one named as a defendant.

Attorney General Jim Hood, whose office investigated the case, said the document must contain those names.

Named in three separate indictments were Wilbanks, 60; Joe Daniel Barnes, 52; and James D. Johnson, 66, all of Ripley; and Melba Sue Selmer, age and address unavailable. Each is charged with one count of conspiracy to commit voter fraud and 16 counts of voter fraud.

In a second indictment, Christopher R. Mathis, 40, of Tiplersville, Billy Gene Barnes, 49, of Walnut, were indicted on three counts of bribery.

In the third indictment, Roy Lee Richardson, 40, of Corinth, is charged with one count of attempting to bribe an elector and three counts of bribery for allegedly paying four individuals \$15 each to vote for three candidates.

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029854



NY

Free beer if you register to vote

Joseph Spector and Enid Arbelo
Staff Writers

(June 18, 2004) — Here's a way to get young people registered to vote: Give them free beer.

Voting for Beer

Question: What do you think about the plan to register people over age 21 to vote with free beer?

That's the plan at today's East End Festival. Monroe County Democrats have teamed up with High Falls Brewery to offer two free 2-ounce beers to those who register to vote at the festival.

Then the new voter can go into a real voting booth and pick the brew they liked the most. The promotion is called "Register Your Taste."

The goal is to encourage people older than 21 to register to vote and to simulate the experience of voting. But alcohol treatment counselors fizzled on the idea, saying organizers shouldn't link drinking with the civic duty of voting.

"I think there are other ways to motivate people to vote other than give them alcohol," said Elaine Milton, director of the chemical dependency clinic at the Family Service of Rochester Inc.

- ☞ It's a good idea to encourage the democratic process.
- ☞ This is a disgrace because it encourages the consumption of alcohol.
- ☞ This is a cheap ploy to get votes.
- ☞ This is my type of political party!
- ☞ How many times can I register?

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Molly Clifford, head of the Monroe County Democrats, stressed that the event is not aimed at encouraging alcohol consumption and that the samples are small.

The initiative, backed by High Falls CEO Tom Hubbard and Moe Alaimo, president of the East End Business District, will also take place at two other East End festivals later this summer and at two Red Wings games.

The booth will be open from 6 to 8 tonight at Alaimo's store, Havana Moe's, 200 East Ave.

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"It's just a fun way to get young people interested in voting," Clifford said.

The festival is a great place to promote voting because of the captive audience, said Christopher Burns, co-founder of the Rochester Young Professionals.

"Young people like to drink and politics is not something they usually think about," said Burns, 29.

"I hope people won't be inebriated when they vote, but it seems like a fun way to get people involved in the voting process."

Participants will vote between High Falls' two new beers, Dundee's Amber Lager and Pale Ale, both to be introduced this fall. Hubbard said the event is a good marketing opportunity for the local company and a way to help a good cause. About 20,000 people, largely those in their 20s, attend each East End festival.

Clifford said she and Hubbard developed the idea, a nonpartisan affair, because locally and nationally it's difficult to get young people to vote.

Statistics show that the 18-to-24 age group has the lowest percentage of registered voters and number of people who come to the polls.

Since 1972, the young voter participation rate has declined by about 13 percent overall — the largest drop of any age group, according to the National Association of Secretaries of State. In Monroe County, less than 8 percent of registered voters are ages 18 to 24, also the lowest of any age group.

Jennifer Kunselman, 27, of Rochester said festival attendees could benefit from being able to register to vote there. Yet she said having the option at a Red Wings game would be even better.

"I think it's important to target a younger audience," Kunselman said. "But there is a whole other population that won't be frequenting the festival."

David Mammano, president of the local chapter of the Young Entrepreneurs Organization, said the idea is good because it promotes voting, but he doubts it will help. He said people will vote if they want to, not because of free beers.

"Maybe they will have better luck if they have beer on Election Day."

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The Monitor

<http://www.themonitor.com/>



TX

Defendant in voting scandal to tell side

August 20, 2005

Marc B. Geller

The Monitor

McALLEN — One of the people at the center of a purported votes-for-money scheme in the McAllen city elections expects to testify before the grand jury next week.

"I contacted (assistant criminal district attorney) Paul Tarlow and I said that I wanted to go before the grand jury; I wanted to tell them my side of the story," said Jose "Joey" Lopez, 22, of McAllen, on Friday. "I don't know if anybody is going to hear me, but I'm going to be able to go over there and tell them what truly happened."

The grand jury is investigating allegations that politiqueras, or paid political operatives, violated laws governing early voting via mail.

Hidalgo County District Attorney Rene Guerra also has said grand jurors would be reviewing surveillance recordings in which Lopez is heard offering Othal Brand Jr. 400 mail-in ballots in exchange for \$4,000. Brand is the son of former mayor Othal Brand Sr., and manager of the elder Brand's recent mayoral campaign.

Brand Jr. has said he called the FBI immediately after his first meeting with Lopez and was referred to the Texas Rangers. Sgt. Israel Pacheco, a Texas Ranger who conducted his own investigation, has said that he directed Brand to make the recordings.

Grand jurors are likely to hear a much different account of what happened from Lopez than the account they heard from Brand Jr. in earlier testimony.

Lopez acknowledges that he accepted money from Brand Jr., but maintains that he never had access to any ballots and denies he had any intention of actually delivering any. Lopez also asserts that Brand Sr. initiated the negotiations for the mail-in ballots and that Brand Jr. contacted law enforcement only after Lopez failed to deliver them.

"This guy wanted to get his dad elected by all means necessary, including getting a kid like me to try to get him votes," Lopez said. "I couldn't do it for him, so I kept on making excuses, and he kept on giving me money."

Brand Jr. disputes Lopez's account and doesn't think the grand jury will buy it.

"I've got nothing to hide," the younger Brand said. "I have no worries about anything that he would want to say to them."

Brand Jr. declined to discuss his own testimony before the grand jury, citing instructions from the District Attorney's Office.

State law prohibits disclosure of the proceedings of a grand jury.

"I cannot tell you who is or who is not going to testify before the grand jury," Tarlow, the assistant criminal DA, said. "What goes on in the grand jury room is secret, as a matter of law."

Guerra, the DA, said Wednesday that the grand jury continues to investigate the McAllen election scandal and could issue indictments as early as next week.

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Brand Jr. said he was optimistic the outcome will help bring integrity to future elections in the Rio Grande Valley.

"I'm just hoping that the grand jury has some impact on cleaning up the voting system," he said. "I certainly hope that will have some impact in deterring anybody attempting to do any voter fraud of any type in any election."

His optimism is guarded, however, in the event the grand jury indicts voters but not politiqueras.

"It will not deter politiqueras at all," he said. "If they think they're going to curb the activity by going after voters in the 75- to 100-year range, that's not going to accomplish anything."

Earlier this week, the grand jury investigating the McAllen elections indicted two women for voting twice in the San Juan city election. Maria Louisa Rodriguez and her daughter of the same name were charged with illegal voting, a third-degree felony that carries a two- to 10-year prison sentence and a maximum \$10,000 fine.

The politiqueras who brought the mother and daughter to vote for a second time on Election Day were identified in an internal city memorandum, but Guerra said neither of the women — Cindy Rodriguez, wife of City Commissioner Bobby Rodriguez, and Vicki Loreda, wife of ex-mayor Robert Loreda — would face charges.

Lopez, for his part, said he's prepared to face the consequences of accepting more than \$1,000 from Brand Jr. and breaching their verbal agreement, but added that he plans to fight any charges that he violated election laws.

"I feel like I'm part victim," he said. "It's like I'm being accused of something that I didn't do. I should have never gotten into it or even messed around with it, but I felt that I needed the cash. ..."

"I just want to make sure that they get my side of the story and they get what I feel is the true side of the story."

Marc B. Geller covers McAllen and general assignments for The Monitor. You can reach him at (956) 683-4445.

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029858

DA INVESTIGATES ALLEGED BRIBES FOR EARLY VOTES

TX

STAFF & WIRE REPORTS

September 09, 2003

LONGVIEW - Gregg County District Attorney William Jennings is investigating a Gregg County-area employer who allegedly gave a handful of \$10 Neal McCoy concert tickets to workers who cast early ballots in the constitutional amendments election.

Jennings said he is choosing not to identify the employer yet.

He said he began his investigation Friday afternoon after he was contacted by the county elections administrator who had received phone calls from media.

"An employer in Gregg County had given concert tickets in exchange for people voting," he said. "I've got no indication that there was an exchange of a ticket to vote a certain way. Obviously, there would be no way an employer would know how that person voted under our system."

He said that a half a dozen to two dozen people received tickets to the concert, performed last week.

"The concern is not with the voter. It is whether the employer went too far in encouraging the employee to vote," Jennings said.

The most serious allegation possible in this incident is a state bribery law, that, if violated, is a second-degree felony, punishable by two to 20 years in prison, Jennings said.

"I'm not sure that's the offense that's been committed just yet," he said. "I'll get the facts and apply the facts to the law and see where we go from there."

There may be other election code issues he will also look at, not quite as serious as the state bribery law, he said.

The high-profile amendment on the ballot is Proposition 12, which would ratify limits on non-economic damages in medical malpractice lawsuits and clear the way for future Legislatures to set similar caps in other civil suits as well.

There are 22 proposed amendments on Saturday's election ballot. Early voting ended Tuesday.

Doctors, hospitals and other health care providers are waging a strong campaign for Prop. 12, while plaintiffs' lawyers and some consumer groups are fighting it.

The proposal has attracted a larger-than-normal early voting turnout in Gregg County for a constitutional amendments election, the county's elections administrator, Hattie Owen, told the Houston Chronicle in Tuesday's editions.

Meanwhile, Kathy Allbright, a paralegal at a Longview law firm, said she was puzzled when on the

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second day of early voting she went to cast her ballot at the Gregg County courthouse and was asked by an elections official if she were "legal or medical."

"She (the elections official) said the medical people were asking for receipts showing that they had voted because they were getting bonuses," Albright said.

But Owen said rumors that health-care providers had offered their employees bonuses for voting were unsubstantiated.

Jennings also said in his investigation he had not found any of these other rumors to be substantiated.

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Virginia State Police are investigating allegations of voting fraud during last year's Appalachia town council election, Wise County Commonwealth's Attorney Chad Dotson confirmed Monday.

State police are looking at claims that supporters of an unidentified council candidate offered food, cigarettes and liquor to residents of the Inman Village public housing complex in exchange for letting the supporters fill out their absentee voting ballots, according to a story in Sunday's Roanoke Times.

Voters in the May 2004 election returned incumbent Councilman Ben Cooper to office and chose newcomers Eddie Gollaway and Owen "Andy" Sharrett III for the three open seats on the five-member council.

Cooper, a former mayor and acting town manager, led the polling with 351 votes, followed by Gollaway with 340 and Sharrett with 312.

Falling short were longtime councilman and current Mayor Gary Bush, with 244 votes; incumbent Rick Bowman with 221 votes; and former councilman Debbie Bouton with 212 votes. Also, Ben Surber received 28 votes despite having announced that he dropped out of the race.

The Roanoke Times story reported that of 585 people who voted, 108 cast absentee ballots - an absentee rate of 18 percent, compared with a usual statewide rate of about 5 percent.



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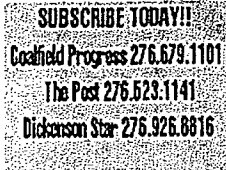
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The story quotes three Inman Village residents as confirming their absentee ballots were filled out by someone other than themselves. The Roanoke Times did not identify the candidate or the candidate's supporters who allegedly bribed the residents, because so far no charges have been filed in the investigation.

Dotson Monday said the investigation is ongoing, but he hopes to receive a state police report in about two weeks. At that time, he said, he will determine if anything in the report merits the filing of criminal charges.

Dotson declined to discuss details of the investigation, but acknowledged he's heard the Inman Village allegations detailed in the Sunday article.

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FBI's Sham Candidate Crawled Under W.Va.'s Political Rock

By Michael E. Ruane
Washington Post Staff Writer
Friday, December 2, 2005; A01

The three men were sitting in a car outside a rural elementary school in West Virginia when the candidate handed over \$2,000 in cash and said, "Buy all the votes you can."

In the hamlets and hollows of Logan County, where political shenanigans are legendary and it's said that a vote can be bought for a pint of whiskey or a \$10 bill, some say there was nothing extraordinary about the transaction.

Here's what made it unusual: Although Thomas E. Esposito was on the ballot as a candidate for the state House of Delegates, he wasn't really running for office.

The small-town lawyer and former mayor was just bait. And when the FBI lowered him into the murky waters of southern West Virginia politics last year, it dangled him like a shiny lure.

The whole affair landed yesterday in a Charleston courtroom, where a defense attorney cried foul, accusing the government of "outrageous" conduct and of violating the sanctity of the election process. He said the charade robbed 2,175 citizens who voted for Esposito -- unaware he wasn't for real -- of a constitutional right.

But a federal judge sided with the government, ruling after a 30-minute hearing that corruption in Logan County had been endemic "for longer than living memory" and that the bogus election campaign might have been the only way to root it out.

In Logan County, which is about an hour south and a world removed from Charleston, there are people who agree. "This stuff has been going on since I was a kid," Kenneth McCoy, 54, a disabled miner, said this week. "They had to come up with some way to stop it. Personally, I have no problem with it."

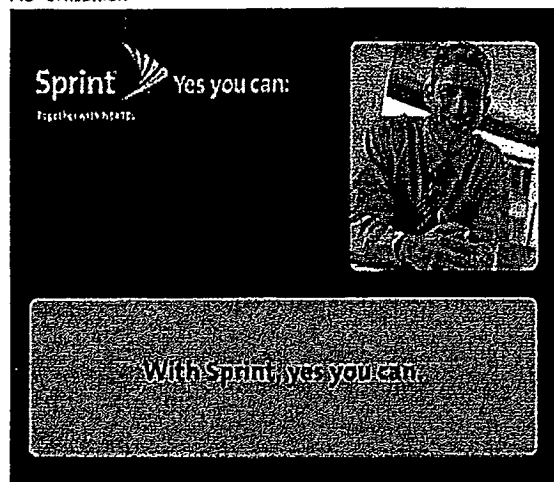
Political corruption in southern West Virginia goes back generations, residents and observers say.

"Federal authorities have been intervening in southern West Virginia for 80 years, at least," said Topper Sherwood, co-author of a 1994 book on longtime Logan County political chieftain Raymond Chafin. "More often than not, their role is to come in and remove power from those who have acquired it illegally."

Moss Burgess, 62, a retired Logan County high school chemistry teacher who has run unsuccessfully for local office, said: "I'm glad that somebody's trying to clean up the system in this county. Most people, they've more or less accepted it as common."

U.S. District Judge David A. Faber, chief judge for the Southern District of West Virginia, asserted in yesterday's ruling: "It has been nearly impossible to prosecute corruption in Logan County because persons with knowledge of it are reluctant to testify against others in their community."

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The current case began in 2003, when Esposito, a lawyer who had been mayor of the City of Logan for 16 years, entered a plea agreement with the government in a corruption case, according to court papers. He had been accused of paying the \$6,500 bar tab of a local magistrate for reasons not specified and then paying the magistrate to keep quiet about the arrangement. The magistrate was later indicted on an extortion charge.

Under the plea agreement, Esposito began helping the Justice Department in its investigation of county political corruption, which the department described as "commonplace and widespread."

Assistant U.S. Attorney R. Booth Goodwin II, in a court filing last month, said that as Esposito met under cover with people about vote buying in the run-up to the 2004 primaries, investigators concluded that a campaign sting could provide a "virtual treasure trove of evidence."

"Without that step, it was feared, the undercover operation would dissolve, and a valuable opportunity to catch a number of persons in the act . . . would be lost," Goodwin wrote. So the government had Esposito run. He entered the race Jan. 30, 2004, filing the appropriate papers with the West Virginia secretary of state. He was one of 10 Democratic candidates for four seats in House District 19, which includes Logan County.

"He had signs; he had stickers; he showed up at campaign events," said Chris Stratton, a reporter for the Logan Banner newspaper. "All that stuff was for show. It was there to make him look like a legitimate candidate."

Gregory J. Campbell, the attorney for Perry French Harvey Jr., 56, the defendant in the case, said: "The government knew that all this was false. [Esposito] was bait. Nothing more, nothing less. They tossed him out there, and they were seeing who'd come packing. And he was live bait. He was out there, and he was active."

According to court papers, on April 12, 2004, Esposito met with Harvey, a retired coal miner, and another man, Ernie Ray Mangus, at a political rally at the elementary school. They sat in Esposito's car, and Esposito gave Mangus the \$2,000. Mangus, who Campbell said has been granted government immunity, gave half the money to Harvey.

"The other guy gives my guy 1,000 bucks, and that was as far as it goes," Campbell said in a telephone interview Tuesday. "The other guy has been given immunity and will testify that my client knew that the money was to buy votes. . . . [Harvey] was told by the guy that had the money, 'Esposito gave me this and said buy all the votes you can.' My guy said, 'I ain't buying any votes,' and didn't."

Harvey, who voted for Esposito, was indicted Aug. 17 on one count of conspiracy to buy votes. He is scheduled to go on trial Dec. 14. Yesterday's ruling was on his attorney's October motion to have the charges dismissed. Esposito, reached at his law office in Logan County, declined to comment yesterday.

The FBI withdrew Esposito from the race two days after the meeting with Harvey and Mangus, and the Justice Department has said it took great pains to alert the public by way of the media. But his name remained on the ballot, and on primary day -- May 11, 2004 -- he got more than 2,000 votes, placing last in the field.

"By placing a false candidate in the election, a sham candidate, one [the government] knew could not take office, every vote that was cast for Esposito was a vote that an honest voter could have cast for an honest candidate," Campbell wrote in his motion to have the charges dismissed.

But Goodwin, the government attorney, countered in a filing that the decision to have Esposito run was approved by his office, the local FBI special agent in charge and the agency's Criminal Undercover Operations Review Committee in Washington, whose approval is required for all sensitive FBI undercover operations.

"Esposito did not engage in any unlawful conduct by becoming a candidate for the House of Delegates," Goodwin wrote. "Rather, his candidacy merely provided the stage on which defendant acted."

"The conduct of the United States in carrying out the undercover investigation was necessary and proper to root out

FBI's Sham Candidate Crawled Under W.Va.'s Political Rock
systemic corruption," he wrote.

Page 3 of 3

Judge Faber noted yesterday that previous rulings have held that for a government investigative action to be improper it "must be so outrageous as to shock the conscience of the court."

"Here, in looking at the totality of the circumstances," he wrote, "the court's conscience is not shocked in the slightest."

During the hearing, Campbell said, the judge asked him: What else could the Justice Department have done?

"Not violate the constitutional rights of the voters of Logan County," he said he replied.

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Ky. Jury Convicts 2 Men of Election Fraud

Ky. Jury Convicts 2 Men of Election Fraud in 2002 Races; Both Men Face About 2 Years in Prison

The Associated Press

LONDON, Ky. Sept. 16, 2004 — A Kentucky businessman was found guilty Thursday of election fraud for orchestrating a scheme to buy votes from impoverished mountain residents in two races in 2002.

The jury deliberated about four hours before returning the verdict against Ross Harris, a Pikeville coal operator whom prosecutors portrayed as the kingpin of the election fraud conspiracy. An associate was also convicted, and both men face about two years in prison.

The verdicts came after a trial in which various witnesses told of voters gathering in a church parking lot in an Appalachian county to collect \$10 bills after leaving the polls in the 2002 election. Others testified about large contributions to some candidates before the election to be used to buy votes.

In closing arguments Wednesday, federal prosecutor Ken Taylor described Harris as a behind-the-scenes political player who "secretly funds campaigns with illegal contributions."

Defense attorney Larry Mackey said the depiction was false. He said his client was being treated for life-threatening cancer during the period in question and would not have taken time from his hospital bed to help buy votes in the elections.

"We appreciate the jury's attention throughout the trial, but at the end of the day we're disappointed with the verdict," Mackey said, who vowed to appeal.

Harris was convicted on one count of conspiracy to commit mail fraud and to buy votes, three counts of mail fraud and one count of structuring withdrawals from a bank account to avoid federal reporting requirements.

Glen Turner, an executive in Harris' mining company, was convicted of conspiracy to commit mail fraud and two counts of mail fraud. The mail fraud counts involve the sending of bogus campaign finance reports to the state.

Prosecutors claimed Harris illegally contributed some \$40,000 to a former state senator's unsuccessful judicial race, and that Harris and Turner gave an additional \$25,000 to the re-election campaign of a judge. They said the money was used in a scheme disguised as a "get out the vote" effort.

The two men showed no reaction as the verdict was read. Both men declined to comment to reporters afterward.

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Posted on Thu, Sep. 02, 2004

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Imprisoned judge-executive testifies in election fraud trial

ROGER ALFORD
Associated Press

LONDON, Ky. - Imprisoned Knott County Judge-Executive Donnie Newsome testified Thursday that he received \$25,000 in cash from two eastern Kentucky businessmen who are on trial for election fraud.

Newsome, who is serving 26 months in federal prison after being convicted of election fraud last year, agreed to testify against Ross Harris of Pikeville and Glen Turner of Drift in exchange for a lighter sentence. Defense attorneys claim Newsome made up the story about illegal cash contributions in an effort to get leniency.

Prosecutors claim Harris is the kingpin in a scheme to buy votes from impoverished mountain residents. They allege that Harris illegally funneled money into Newsome's 2002 re-election campaign.

Newsome - dressed in white shoes, jeans and a red shirt - said he was given cash contributions on three occasions: One for \$5,000 from Harris; two for \$8,000 and \$12,000 from a man he said he believed to be Turner.

"I used it in my campaign," Newsome said. "When I needed it, I would put it in my account."

Newsome said he received \$60,000 in cash donations for his re-election campaign that year and an additional \$14,000 in checks.

Newsome, who has continued to serve as judge-executive despite his conviction, said he didn't use any of the money to buy votes.

Newsome is expected to be called back to the witness stand when the trial resumes Friday morning in U.S. District Court in London. His brother, Bobby Newsome, also is scheduled to testify. Prosecutors said Bobby Newsome was present when Turner gave the judge-executive money.

Harris also is accused of funneling money into a Pike County campaign in an unsuccessful effort to defeat an incumbent judge, whom he blamed for a sex scandal involving one of his friends. The FBI alleged that Harris conspired to influence the election by providing money for a scheme disguised as a "get out the vote" effort. That involved paying people to haul voters to the polls.

Defense attorneys say the only financial contribution Harris made to the John Doug Hays campaign for Pike County district judge was a legal donation of \$1,000.

A jury of 11 women and five men has been listening to testimony for 1 1/2 weeks.

The charges against Harris and Turner are the latest in a string of federal election fraud cases from the region. Hays and seven others are scheduled for trial in October.

Assistant U.S. Attorney Ken Taylor contends that Harris illegally funneled some \$40,000 into Hays' unsuccessful campaign after a sex scandal resulted in the resignation of Pike County Circuit Judge Charles Lowe Jr. Taylor said Harris and Lowe were close friends.

Lowe resigned last year rather than face possible removal by the Judicial Conduct Commission for a sexual relationship with a woman involved in an adoption and child custody dispute in his courtroom.

Taylor said Harris was so angered by the scandal that he tried to lash out at the woman, Debbi Hylton-Mullins, and her husband, Pike County District Judge Darrel Mullins, who was seeking re-election at the time.

Hays was running against Mullins.

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Logan Clerk to Plead Guilty in Election Fraud Case

Posted 11/29/2005 06:08 PM

Voter Fraud in West Virginia

Story by The Associated Press

Logan County Clerk Glen Dale Adkins plans to plead guilty in the ongoing probe of election fraud in southern West Virginia.

Federal prosecutors Tuesday requested a plea hearing date for the 57-year-old. His defense lawyer disclosed plea negotiations earlier this month when his scheduled U-S District Court trial was postponed.

A federal grand jury indicted Adkins, also known as "Hound Dog," in July on charges alleging he conspired with others to bribe voters in elections between 1992 and 2002.

As part of their vote-buying probe, prosecutors previously landed guilty pleas by Logan County's sheriff and the city of Logan's police chief, prompting both to resign.

Like those former officials, Adkins is a Democrat. That party dominates both counties, and the election fraud charges largely focus on Democratic Party primaries.

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West Virginia Democrats on Defensive After Fraud Probe

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CHARLESTON (AP) - West Virginia Democrats are on the defensive after the latest wave of election fraud charges again involve the Mountain State's dominant political party.

A federal magistrate last week arraigned and set July 11 trial dates for five men charged in an investigation into vote-buying in southern West Virginia.

Like five other area residents previously charged in the probe, the Lincoln County men are accused of aiding Democratic candidates with an alleged scheme to exchange cash or liquor for votes.

And like the 2004 round of criminal charges, the most recent indictment targets a Democratic officeholder: Lincoln County Circuit Clerk Greg Stowers. The then-sheriff of neighboring Logan County, Johnny "Big John" Mendez, was charged with vote-buying last year. Mendez resigned, pleaded guilty and was sentenced to home confinement and probation.

Stowers, 48, has vowed to fight the conspiracy count facing him. Though a lawyer, Stowers declined to comment on the pending case last week.

Gov. Joe Manchin considers the Stowers family to be political allies. Greg Stowers' brother, Lyle, volunteered for his campaign and was a "big supporter," Manchin spokeswoman Lara Ramsburg said.

Though no Republican has been named in the election fraud case, the state GOP has not been immune to criminal charges. A Republican state Senate candidate, Mark Anthony Reynolds of Fairmont, was convicted on federal wire fraud and obstruction of justice charges last year and sentenced to 10 years in prison. Reynolds had posed as a Republican Party insider as part of a shakedown scheme, prosecutors said.

And a pending Federal Election Commission complaint alleges former state GOP Chairman Kris Warner violated the law by pairing his brother's name with President Bush's on yard signs during Monty Warner's unsuccessful run for governor. The signs drew complaints from the Bush campaign before the election, and helped fuel the push to remove Kris Warner as chairman. He resigned last week.

The investigations are not a Democrat or Republican issue, Ramsburg said. "This is a law enforcement issue, just as the Republican Party leadership, specifically the Warners, are currently under federal investigation for things that happened during the campaign."

Political corruption is not new in West Virginia. Convictions have been numerous and both parties have a former governor sent to federal prison.

Republican Gov. Arch Moore pleaded guilty to five corruption-related felonies 15 years ago. Among his crimes, the three-term governor passed around \$100,000 in unreported campaign cash "to influence, secure, and retain the votes and influence of voters" during his successful 1984 campaign.

Democrat Wally Barron was cleared of a 1968 bribery indictment but in 1971 was indicted again on jury tampering charges stemming from his 1968 trial. He spent four years in prison.

The latest federal indictment alleges the Lincoln County defendants aimed to maintain power over county jobs, road gravel and paving materials, and property tax assessments, among other areas. Toward that end, the conspiracy sought to buy votes to secure the election of certain candidates, including Stowers, "to countywide office," the charges allege.

That has not prevented state Republicans from raising the question of wrongdoing by other Democratic candidates on the "slates" allegedly passed out by the conspirators. Several of the charges focus on the 2004

primary, when Gov. Joe Manchin, U.S. Rep. Nick Rahall and even Sen. John Kerry, D-Mass., the Democrat's eventual nominee for president, were on the ballot.

Raleigh County businessman Rick Snuffer, for instance, offered Friday to seek Rahall's seat "if Rahall is forced to leave office due to the expanding level of indictments and investigations into voter fraud."

Snuffer, who ran unsuccessfully for the 3rd District seat last year, noted that "I understand no one has publicly tied the Congressman to vote buying and other voting improprieties."

Republican U.S. Attorney Kasey Warner's office filed the vote-buying charges. The cases are being handled by two assistant prosecutors whose tenure in that office precedes that of Kasey Warner, a Bush appointee.

Kasey Warner has repeatedly said he has erected an "incredibly high wall" to separate the activities of his office from the political activities of his brothers, Monty and Kris.

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Man charged with offering beer for vote

LUDLOW, Kentucky (AP) -- A man tried to buy a vote with a 12-pack of beer, according to police in northern Kentucky.

Edward Lucas offered the beer to an 18-year-old student at Ludlow High School in exchange for a no vote on a proposed increase in school property taxes, Ludlow police officer James Tucker said in an affidavit.

Lucas was charged Friday with making or receiving expenditures for vote, a class D felony that can land him in prison for one to five years.

Lucas, 40, denied the charge.

"I don't know the boy, and that's not exactly what was said," Lucas said.

"I said, 'I hope it doesn't go through and if it doesn't, I'm going to have a big beer party.'"

Lucas was arrested Friday and released on bond Saturday.

Police dispute his version of the exchange, but declined to give specifics.

The tax increase was on the ballot Tuesday and lost.

It would have generated about \$75,000 a year for school construction projects.

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Bysiewicz defends state voting rolls

Lolita C. Baldor, Register Washington Bureau

October 22, 2002

WASHINGTON — Recent suggestions that up to 54 Connecticut voters may have cast ballots in two different states in 2002 are not true, Secretary of the State Susan Bysiewicz said Monday after a weeklong investigation.

Bysiewicz said the data provided by the Republican National Committee was "highly flawed" since more than half of the people named never even voted in Connecticut in 2000.

"It appears that the RNC has made allegations that were completely unfounded," she said. "And I hope this was not an attempt to distract voting officials or discourage voters from participating on Election Day."

Of the 54 voters listed by the RNC as possibly voting in two states, 15 voted only in Connecticut; 29 voted only in a state other than Connecticut; three were only registered in Connecticut and four names were discounted because they had different dates of birth.

Ultimately, she said, the names of three voters have been referred to the FBI and U.S. Attorney because Bysiewicz has been unable to get the necessary voting information from the other state.

RNC spokesman Dan Ronayne made it clear when the initial documents were released Oct. 8 that Republican officials were not charging anyone with wrongdoing or election fraud. Instead, he said the RNC had analyzed its voter lists, compared records, found the discrepancies and released them to state authorities to point out possible problems.

"To say this was an attempt to take time away from the election is patent nonsense," he said, adding that RNC officials were

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"very disciplined" in their research.

Bysiewicz acknowledged that state officials found that some of the problems were caused by errors by local voting officials who entered the wrong names into the computer.

When voters cast their ballots on Election Day, the poll workers check off their names on large sheets.

That information is later transferred into the computer - which is where some of the errors occurred, Bysiewicz said.

She added that the problems with the 51 voters already cleared lead her to believe that the three names still being investigated also may simply be a case of human error.

Ronayne said Bysiewicz should examine and correct the problems, "instead of engaging in partisan accusations - after all, we all share the same goal: clean and fair elections."

"Our only motivation is to promote clean and fair elections, and the Secretary of the State has apparently found problems in the record-keeping in Connecticut as a result of an investigation brought on by our research," he said.

The RNC also turned over the names of about 7,700 voters who may be registered in Connecticut and one other state. Bysiewicz said she has referred those names to local voting officials in the various towns.



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The officials have until the end of the year to research the voters and determine if the records are correct.



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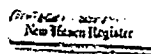
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Mixed

Despite Crackdown, Some Double Voting

Worst Problems Cited Involve D.C., Md.

DC / MD / VA

By Dan Keating
Washington Post Staff Writer
Thursday, October 31, 2002; Page B08

Double voting in the District and Maryland has persisted despite a 1998 effort to crack down on the practice, according to election records, and local officials say that an election reform law signed this week by President Bush will not fully address the problem.

Records indicate that two dozen voters cast ballots in both the District and Maryland in the Sept. 10 primary and that 90 voters did so in the November 2000 election. Double voting in the District and Virginia appears to be far less common -- the records show only six people voting in both the District and Northern Virginia in November 2000.

A provision in the new federal law requires states to create centralized, computerized voter rolls to prevent multiple voting by people registered in more than one place. The District and Maryland already have such records, however. The problem is that different jurisdictions seldom compare registration lists or voting records to spot duplicate names, Washington area elections officials said.

The last time such a review was done was in 1998, when D.C. elections officials looked at voting records and gave the U.S. attorney's office the names of 261 people who appeared to have double-voted in the District and Prince George's County during the previous three years.

But that investigation did not lead to any prosecutions, said Channing Phillips, a spokesman for the U.S. attorney in the District. Phillips said yesterday that officials could not find the paperwork explaining why no one was prosecuted, and Alice P. Miller, executive director of the D.C. Board of Elections and Ethics, said her office could not locate those records either.

Miller said the District has not made a more recent attempt to find double-voters, in part because the city's drive to obtain and install new voting equipment was a higher priority.

A review by The Washington Post found that more than 10,000 people are registered to vote in both the District and either Prince George's or Montgomery counties. The Post found people listed as having cast ballots in the District and Maryland on the same day by studying voter histories that were based on signatures collected when voters checked in at the polls.

When contacted by a reporter, the voters said that they had cast a ballot only once and that the records must be wrong.

"That must be a mistake," said Denise Daniels, 33, listed as voting in both Prince George's and the District in 2000 and 2002. "I'm going. I have to go. I don't know what this is about."

Harold Bobbitt Jr. also is listed as a double-voter.

"I moved to College Park," he said. "I'm no longer a District voter. I started voting in College Park in 2000, but I didn't vote in D.C. That might be a mistake in the D.C. computer."

Bobbitt noted that he has the same name as his father, Harold Nathaniel Bobbitt Sr. The voting records

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however, indicate that ballots were cast in the District and Maryland in 2000 and 2002 by Harold Nathaniel Bobbitt Jr., age 46. And Bobbitt and his father are listed as having voted in last month's D.C. primary.

The most prolific repeat voter, according to the records, is Betty J. Johns, 69, listed as casting ballots in both Maryland and the District in the 1996 and 2000 presidential elections, as well as in the Democratic primaries in the District and Prince George's on Sept. 10. A woman who answered the phone at her residence said no one there would talk to a reporter.

Larry Poteat Jr., 22, moved to Prince George's County this year from the District but was listed as voting in both places in September. His father, Larry Poteat Sr., said that he voted in the primary in the District, yet there is no record of the father's vote.

"If they don't have me down as voting, something's crazy," the father said. "They gave both of the votes to [my son], in Prince George's and D.C."

Election officials said it is possible for precinct workers to make mistakes when recording who voted. Such errors also would be a serious problem, voting reform activists say, because they could make it impossible to compare the number of ballots counted with the number of people listed as voting. Matching those two figures is a first step in making sure that ballots were not discarded and that phony ballots were not counted.

In the District, vote fraud is a felony punishable by five years in prison or a \$10,000 fine. In Maryland, the punishment is a fine of up to \$2,500 and up to five years in prison.

When registering to vote, people are asked on a form where they were previously registered, but some don't fill it out. The form is then sent directly to the previous jurisdiction if it is in the same state. But if it is not in the same state, the form goes to the capital of the state where they used to live, which slows down the process, election officials said.

Officials said the best way to weed out such names is to compare lists of all registered voters, which the District initiated in 1998. Election supervisors in Prince George's and Montgomery said it would be up to the state to launch such an effort.

Reform advocates said cleansing registration lists of old names and maintaining accurate voting records are crucial steps in ensuring clean elections.

"It doesn't matter what kind of voting equipment you have if you have dirty voter rolls and you don't have the people to keep them clean," said Deborah Phillips of Arlington, former head of the Voting Integrity Project.

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Posted on Sun, Jul. 31, 2005

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No fraud found in Duval vote

FBI probe finds no double ballots cast THE ASSOCIATED PRESS

JACKSONVILLE - Investigators found no evidence that anyone cast more than one ballot in the November election in Duval County, although an investigation into fraud allegations from early voting in the county continues.

County Elections Supervisor Jerry Holland said the FBI investigation didn't turn up any evidence that voters cast more than one ballot in the county either on Nov. 2 or in absentee voting.

Officials said in January that a review of voting records uncovered more than 50 cases in which it seemed the same person had cast an absentee ballot and voted on Election Day or otherwise voted twice in some way, such as voting in two places, leading U.S. Attorney Paul Perez to launch a federal investigation.

But Holland said each apparent case of double voting was attributed to a clerical error, such as someone signing the voter rolls at one polling place before being told they had to go to another location to vote. One case involved a father and son with the same name who signed in the wrong place.

About 380,000 people voted in the November election in Duval County, so the votes in question represented less than one-50th of 1 percent.

"These results show voters that they can have confidence in the elections office," Holland said.

Double voting is punishable by up to five years in prison and a \$10,000 fine.

The FBI will continue to look into some allegations of potential voter fraud that stemmed from early voting in the county, Holland said.

"These results show voters that they can have confidence in the elections office."

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Jerry Holland
county elections supervisor

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FL Sun-Sentinel – October 25, 2002

Florida has more double voters than any
other state

By Sam Trantum
Staff Writer

More than 361,100 people were registered to vote in multiple states during the 2000 elections, and 1,636 of those apparently cast more than one ballot, according to the Republican National Committee.

Florida was the worst offender in both categories, with 67,065 duplicate registrants and 307 double-voters, according to the committee's report.

While the Republicans insist they released the report in an attempt to help state officials run clean elections, Democrats say it is a partisan ploy – part of the GOP's national strategy for Nov. 5.

Florida elections officials say have not looked into the Republicans' claims but at least two other states have investigated.

Connecticut Secretary of State Susan Bysiewicz, a Democrat, said her office found that 53 of 54 supposed Connecticut double-voters – including six who allegedly had cast ballots in both Connecticut and Florida – had not cast ballots in more than one state. The office did not investigate the claims of duplicate registration.

"We have highly flawed data and not one shred of evidence to support the very serious allegation of double-voting," Bysiewicz said.

She said her office had been unable to get the information it needed to figure out whether the 54th person on the list had voted in Virginia as well as Connecticut, so it referred the case to the FBI.

"Of course she's going to say that there's no cases of this happening," RNC spokesman Kevin Sheridan said. "The secretary of state is in an election fight, and she's defending her own record."

New York City elections officials also are investigating the Republicans' claims of voting fraud. There has been no resolution of the issue so far, spokeswoman Naomi Bernstein said.

Registering in more than one place is easy to do and isn't illegal if it isn't intentional.

"I think it's something that people do once. They move someplace and do it again," National League of Women Voters spokeswoman Kelly Ceballos said. "They might not be aware of it."

The problem is there's no good way to make sure someone doesn't vote in more than one state.

There's no official national voter database, and in many states there isn't even a statewide voter database. The RNC pieced together its national database by buying voter lists state by state, county by county.

Voting twice in the same election wouldn't be too hard, either. A voter could cast an absentee ballot in one state and vote in person in another, for example. Such double-voting

has long been rumored to be practiced by part-time residents of Florida.

"I'm sure that a lot of people that winter down here are registered down here just like they are up north," Boynton Beach resident Dan Winters said.

Casting multiple votes in one election is a felony, elections officials say.

By releasing the report on double-voting, the RNC was just trying to help ensure clean elections, Sheridan said.

"We tried to do nothing but be helpful to the authorities," Sheridan said.

But Bysiewicz said she did not think the RNC's intentions are so innocent.

"I believe this is a deliberate attempt to distract election officials across the country from their responsibility to encourage voter participation and administer fair elections," she said.

Republicans shouldn't spend so much time trying to keep people who shouldn't be voting from casting ballots, said Kevin Jefferson, president of the Democratic National Committee's Voting Rights Institute.

"What they should be doing is making sure that people are going to the polls, that they have the right to cast the ballot and have that ballot counted across Florida," Jefferson said.

Sam Tranum can be reached at stranum@sun-sentinel.com or 561-243-6522
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KansasCity.com

Posted on Mon, Mar. 28, 2005

KS/MO

Lawyer admits voting twice in four elections

A Kansas City, Kan., lawyer admitted today to illegally voting in both Kansas and Missouri.

James D. Scherzer, 68, pleaded guilty in federal court in Kansas City to four counts. He cast double votes in two elections in 2000 and two elections in 2002. He will be sentenced later to a maximum on each count of one year in prison, one year of probation and a fine of up to \$100,000.

Scherzer was charged after an investigation by *The Kansas City Star* found thousands of double-registered voters in the area and several hundred cases of possible double voting. Scherzer declined comment Monday.

Previously, he told a reporter that he acted on his own with no particular motive.

"I don't have some rationale, or a highfalutin story," he said.

No sentencing date has been set.

— Joe Lambe

See The Kansas City Star tomorrow for more local news.

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Man Pleads Guilty To Voting In Kansas, Missouri



Mon Mar 28, 3:41 PM ET

A Kansas man pleaded guilty in federal court Monday to voting in federal elections in both Kansas and Missouri.



James D. Scherzer, 68, of Kansas City, Kan., pleaded guilty to a federal charge accusing him of four counts of voting fraud, which is a misdemeanor civil rights violation. The information, which was filed on Dec. 13, 2004, replaces a criminal complaint filed against Scherzer on Oct. 21, 2004.

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Federal investigators said that Scherzer voted twice, in both Wyandotte County, Kan., and Kansas City, Mo., in the primary and general elections in 2000 and in the primary and general elections in 2002. As a resident of Kansas, Scherzer was not qualified to vote in Missouri.

"We take vote fraud seriously because it diminishes the value of legitimate votes cast by qualified voters. The Equal Protection Clause of the Fourteenth Amendment guarantees qualified voters the right to have their votes counted without being diluted by spurious ballots cast by unqualified voters," U.S. Attorney Todd P. Graves said a news release.

Scherzer could face a maximum of one year in jail and a \$100,000 fine.

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KansasCity.com

KS/mo

Posted on Tue, Mar. 29, 2005

P.S.: Lawyer pleads guilty to double voting

A Kansas City, Kan., lawyer admitted Monday that he had voted illegally in Kansas and Missouri.

James D. Scherzer, 68, pleaded guilty in federal court in Kansas City to four counts. He cast double votes in two elections in 2000 and two elections in 2002. He will be sentenced later to a maximum on each count of one year in prison, one year of probation and a fine of up to \$100,000.

Scherzer was charged after an investigation by *The Kansas City Star* found thousands of double-registered voters in the area and several hundred cases of possible double voting. Scherzer declined to comment Monday.

Previously, he told a reporter that he acted on his own with no particular motive.

"I don't have some rationale, or a highfalutin story," he said.

No sentencing date has been set.

— Joe Lambe/The Star

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Online archives from The Sun Chronicle.

November 18, 2000

Recounts serious matter

BY RICK THURMOND / SUN CHRONICLE STAFF

Eleanor Ruest, a longtime North Attleboro election commissioner, is not amused.

For days on end, jokes and gibes have been directed at Florida election officials who, for just as long, have been squinting through pinpricks in stacks of punch card ballots, trying to divine each voter's intent in the closest presidential election in more than a century. "What else would you expect to see," Ruest huffed. "Anyone who thinks that's funny obviously has never been through a recount."

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While the eyes of a nation look south to Florida and what seems an electoral train wreck, Ruest and others who have been through recounts say what's going on now in Florida has happened here, and can happen almost anywhere a voter walks up to a ballot box.

Messy litigation in a high-profile election? Massachusetts has been there, done that.

Four years ago, after a recount, it came down to the courts to decide who would be the Democratic nominee to represent Massachusetts' 10th Congressional District. That Democrat still holds the seat.

Voter fraud?

While election officials say outright fraud is so rare these days it's inconsequential, an Attleboro man came forward after the April 1996 primary to say he voted three times -- in North Attleboro -- just to prove it could be done.

Cliffhangers?

An Attleboro city council race in 1985 hung by a single chad, those pesky bits of paper that can dangle from a ballot when a vote is cast. After a recount, the victor suddenly was the loser -- again, by a single chad hanging from one of those punch card ballots.

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"No election is perfect. They can't be," Ruest said. "You've got humans and you've got machines. Both make mistakes."

Part of the system

Like it not, mistakes are part of the system. Mistakes usually don't matter, the reasoning goes, because they are random and are spread across the ballot.

"This goes on all over the country," said Rebecca Mercuri, a visiting professor of computer science at Bryn Mawr College in Pennsylvania and a frequent expert witness on computer security and voting systems.

"Voting anomalies happen all over the country, in most states," she said. "Most voting systems have an error rate of between 2 and 5 percent. Most election officials will admit to that."

The problem in Florida, and with this presidential election in general, is the margin of victory seems to be far less than the accepted margin of error.

"Flaws don't matter if the vote is 60-40," said Victor DeSantis, a political science professor at Bridgewater State College. "Those flaws show up when the vote is 50-50."

In Florida, much of the blame has been leveled at the now-infamous punch card ballot, a voting system that has been outlawed in Massachusetts since September 1998.

Massachusetts Secretary of State William Galvin threw out that type of ballot because of the havoc it caused in the 1996 Democratic primary for Massachusetts' 10th congressional seat.

The primary night count gave Philip Johnston a 266-vote lead over William Delahunt out of more than 35,000 votes cast. A subsequent recount whittled Johnston's lead to 181 votes, but still he prevailed.

Delahunt, dissatisfied with the outcome of the recount, took the matter to Superior Court where Judge Elizabeth Donovan re-examined the ballots by hand.

In question were almost 1,000 punch cards that had been blanked by voting machines and tossed out, mostly at polls in Weymouth, Abington and Orleans.

The judge determined in many cases that electronic scanners read ballots as blank only because they had not been punched

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cleanly through. She gave the election to Delahunt by 108 votes.

Johnston was campaigning with First Lady Hillary Clinton at a Democratic unity rally when that thunderbolt struck. He promptly filed an appeal with the Supreme Judicial Court, arguing that if ballots were left blank or were only slightly indented, it was because voters hadn't made up their minds.

But that would have meant, in Weymouth alone, almost 23 percent of voters had intentionally cast blanks and, Delahunt argued, they turned out on a stormy night to do it.

The Supreme Judicial Court affirmed Judge Donovan's ruling.

Galvin said he knew of nothing like that happening before in voting for such a high state office, and ordered state monitors to the polls for the Nov. 5 presidential election in cities and towns that used the punch card ballot.

The problem with punch cards is that votes aren't always cleanly punched through, and when they are, chad can then shift around, jamming other holes so that those votes are misread.

Attleboro area election officials had long been aware of the pitfalls of punch card ballots, and for the most part had junked them before the statewide ban was imposed.

"You could run the ballots through three times and get three different results because those chad would fall off," said North Attleboro Elections Chairwoman Diane Szpila.

North Attleboro discarded punch cards after an acrimonious election to build a new middle school in January 1995. A recount was held when the new school was approved by a 158-vote margin out of 5,290 votes cast. The school lost eight votes in the recount, but overall the project prevailed.

"A lot of the chad were still hanging on when we did the recount," Szpila said.

Ruest, who was elections chairwoman at that time, called that election, "the straw that broke the camel's back."

"Hardly any of them went through the first time," she said.

Election officials are told to keep punch card ballots away from moisture, lest they become even more difficult to punch through. So where were those ballots stored for years in

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01/24/2001 10:00 AM

Attleboro? On the basement floor of city hall, said Jessie Joubert, who worked for more than two decades in the city elections office.

Problems can also occur when the ballots are misaligned.

"We found a lot of ballots where the punches weren't where they should have been," Joubert said. "There was nothing we could do. The machine automatically canceled them out. We had a lot of those, I'll tell you."

In 1985, Tony Viveiros beat incumbent Thomas Dudson by one vote in the initial count for the Ward 2 city council seat. He lost by one vote in a recount.

"It was just like what you're seeing on TV now in Florida," he said. "Election people looking up at a ballot, trying to figure out what was the voter's intent. If there was a hanging chad, it had to be more than half-way through."

"I broke into tears when it was all over," Viveiros said.

And what of punch card ballots?

"I hate 'em with a passion," he said.

Bill Crowley, an Attleboro election commissioner, is more blunt. "They're a bitch," he said.

"We would have disagreements every election because the count was off all the time," Crowley said. "If we had 1,000 ballots, maybe the count would come out 995. On occasion, we'd run them through two or three times until the count came close to what it was supposed to be."

"That's sad, but that's the way it worked," he said. "Those machines just weren't 100 percent."

Punch card ballots are still widely used across the United States, despite their drawbacks, experts say.

In Massachusetts, four types of voting systems are used.

By far the most common is an optical scanning system which reads marks a voter makes on a ballot. It's in use throughout the Attleboro area and in 908 precincts in 147 cities and towns.

Old-style lever machines, which aren't manufactured anymore, are used in 434 precincts in 23 communities.

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Paper ballots are still used in 79 towns.

Four communities, Dighton, Franklin, Lawrence and Milton, still use a variation of the punch card ballot, although unlike in Florida, the names of candidates are printed on the card.

But even those systems can stumble.

"In any system, people can make mistakes," said Brian McNiff, spokesman for the secretary of state's office. "They can make mistakes with an opti-scan."

"I'm not sure the secretary would ever get into the acceptance rate of errors," he added.

Crowley said optical scanners are far better than the old punch card system, although "they're still subject to error."

"We have people who still try to punch holes through the ballot, or make an X or they circle the little oval they're supposed to fill in," he said.

And, sometimes optical scanners misread marks even when the marks are penciled in correctly.

"Readers, anything that scans things optically, have an error rate," Mercuri said.

"Even the SAT people will admit to an error rate," she said, referring to college entrance tests which for years have relied on optical scanners.

With the electoral mess in Florida flickering on television sets 24 hours a day, there have been rumblings in Congress to devise some kind of unified voting system.

It'll never happen, said Bruce Schulman, a history professor at Boston University.

"It's one of those things like the Electoral College," he said. "Legislation will be filed to reform it, but it won't get very far.

"Technologically, it's possible and it should be done," Schulman said. "But it won't be done for two reasons. First, it's too expensive. That's why so many cities are still using this ancient stuff. Then, there's the political side. Laws and established tradition say that states and local governments administer elections."

A statewide unified voting system hasn't even been discussed

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in Massachusetts, McNiff said.

A unified system is, so far, unworkable and unnecessary, Mercuri said.

"As long as you have a system that allows a manual recount, then you have the possibility of a recount," she said. "That's what most municipalities do.

"As long as you're willing to accept that, then every vote does count.

"Even a punch card you can hold in your hand; you can see the chad," she said. "You don't get that with an Internet system or a computer system where you touch the screen. There's no audit trail."

Besides, Mercuri said, "As a programmer, I could write an interface that would send 10 percent of Gore's vote to Buchanan. Even some high school students could do that."

And what of voter fraud?

So far, there have been no substantial charges of outright fraud in this election, although some college students in Wisconsin have admitted to casting multiple votes as a prank.

Those reports brought memories flooding back to Edmund Morrison, a South Attleboro man who said he cast three votes in North Attleboro during an April 1996 primary, just to prove it could be done.

Morrison said he did so because he had overheard a group of women in a North Attleboro restaurant talking about how they had voted more than once in the middle school election a year earlier.

Morrison had just moved from North Attleboro at that time, and still was listed on the town's voter registration rolls. He said he cast one vote as himself then used the names of two friends to cast opposing votes that canceled each other out.

"I didn't do any malice," he said. "I just wanted to show how easy it was to do, and that voters should be required to show some form of identification."

That little act could have cost Morrison a \$10,000 fine and up to five years in prison, but the court declined to prosecute because, other than his own word, there was no proof he had committed fraud.

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To this day, Morrison is unapologetic.

"Those college kids proved, again, how easy it is," he said.

"I think it smells to high heaven."

And North Attleboro election officials are still unsure Morrison really did what he said he did.

"I think it was wishful thinking on his part," Ruest said. "He was all too anxious to call the Boston Globe.

"I looked over the voting list a long time, but I couldn't find anything."

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10-23-02

Dems blast GOP efforts on voter fraud

By Jim Drinkard, USA TODAY

Mixed

WASHINGTON — Efforts by the Justice Department and the Republican Party to guard against voter fraud have ignited a long-smoldering dispute that could have an impact on close national elections less than two weeks away.

The Republican Party has compiled a national database of 3,273 names of people who it says apparently voted more than once in the 2000 elections. It is turning the list over to local authorities for investigation and possible prosecution.

But early looks at the data by state officials have found little evidence of multiple voting.

At the same time, the Justice Department is mounting what it calls an unprecedented effort to police voter discrimination at polling places and prosecute voting fraud. Attorney General John Ashcroft held a daylong "Voting Integrity Symposium" this month to train more than 300 representatives of FBI and U.S. attorney's offices across the nation "to prevent election offenses and to bring violators to justice."

Some Democrats accuse the GOP of aiming to intimidate voters — particularly minorities and new immigrants, who they believe lean Democratic.

"The last thing we need are partisan efforts that could make it harder for law-abiding citizens to vote on Election Day," said Sen. Chris Dodd, D-Conn., chairman of the committee that oversees elections.

The stakes are immense. Majorities in the House and Senate hang on a handful of races scattered across the country. Both parties say the outcome will hinge on which side does the best job getting its supporters to the polls.

The skirmish is emblematic of longstanding tension between the Republicans and Democrats. It was evident most recently in the struggle over legislation in Congress to fix the election process after ballot problems in 2000. That legislation was stalled for months while Democrats and Republicans argued over whether to include anti-fraud provisions, including identification requirements for new voters, that had been sought by Republicans.

Connecticut, the first state to check the GOP's multiple-voting data, found it "highly flawed."

Officials said that at least 51 of 54 names listed as voting both in Connecticut and elsewhere were erroneous.

Secretary of State Susan Bysiewicz, a Democrat, called the list "a deliberate attempt to distract election officials across the country from their responsibility to encourage voter participation."

In North Carolina, officials found that the first name on the double-voting list was that of state Rep. Martha Alexander, a Democrat who chairs the General Assembly's panel on election laws. "It's got to be two people with the same name and birth date," said Gary Bartlett, director of the state Board of Elections.

Shad Balch, a spokesman for California Secretary of State Bill Jones, a Republican, said, "It looks like we're going to be able to refute their claims."

Voting more than once

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Party spokesman Kevin Sheridan said the project was carefully done using publicly available voting records and other material.

"The intent was to provide it to authorities interested in our research ... and to take any action they deem necessary to clean up the process or to bring legal action against people involved," he said. Although the GOP knows in some cases the political affiliation of the voters on its list, "we're not making that available," he said.

Regarding the Justice Department's anti-fraud effort, Wade Henderson of the Leadership Conference on Civil Rights called it "a solution in search of a problem" and "a warmed-over plan for voter intimidation."

There is concern among civil rights advocates that Justice's investigation of alleged fraudulent voter registrations in South Dakota on and near Indian reservations is scaring off potential voters.


Ashcroft spokesman Mark Corallo dismissed the concerns: "The only people intimidated are the people who were going to cast fraudulent ballots, and that's the point here." Even so, the issue has flared in other places, as well:

- Party officials in Arkansas are trading charges of fraud and voter intimidation. Republicans say Democrats have generated bogus voter registrations; Democrats say Republicans have tried to photograph and intimidate minority voters waiting in line to cast early ballots in Pine Bluff.
- The Texas GOP on Oct. 10 announced a "ballot integrity" program to guard against voter fraud by "our less ethical opponents." The effort, detailed on the state party's Web site, calls for recruiting poll watchers who will look for irregularities on Election Day.

Find this article at:

http://www.usatoday.com/news/politics/elections/2002-10-23-voter/fraud_x.htm

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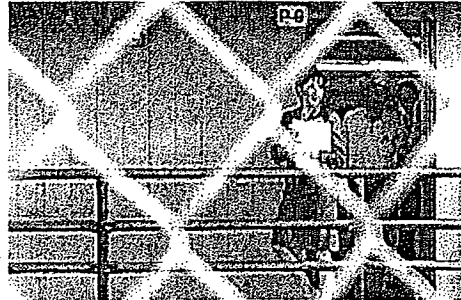
TX

County Probes Voter Fraud

May 12, 2005
James Osborne
The Monitor

San Juan mayor's victory upheld

SAN JUAN — Mayor-elect San Juanita Sanchez's three-vote victory stood up in a recount Wednesday, but the city election will undergo further scrutiny when a county investigation into voter fraud begins later this week.



Hidalgo County Elections Administrator Teresa Navarro emerges from behind closed doors Wednesday at Austin Middle School in San Juan after a ballot recount from Saturday's mayoral race.

Hidalgo County Elections Administrator Teresa Navarro said she could go to a grand jury as early as next week, once she reviews election records to determine just how many people voted more than once in the city election.

On Monday two women admitted to having voted twice after being pressured to do so by politiqueras.

"It's under review until next week. From there it could go to the grand jury and then it could be investigated by the District Attorney's office," Navarro said.

"Depending on what we're able to get, if we feel something was orchestrated we proceed with the case ... a lot of the time a voter will say an election worker coerced them, but it depends on the individual."

Illegal voting is a Class A misdemeanor, carrying a possible \$4,000 fine and one-year jail sentence, according to the Texas Election Code.

Suspicion first arose Monday morning when three uncounted ballots were found under a box in the vote counting room by City Secretary Vicki Ramirez. All three votes for mayor were cast for veteran City Commissioner Eleazar Romero. Two of the voters admitted they voted during the early voting period before being taken by the politiqueras to vote "curbside" Saturday.

Curbside voting allows and elderly or disabled voters to cast their ballot from a vehicle without having to enter a polling station. The election official outside — in this case Ramirez — is supposed to make sure the individual is in fact elderly or disabled and cross-reference their name against a voter list before allowing them to cast a ballot.

"From what I understand, that didn't happen," Navarro said.

Ramirez declined to comment.

Romero said again he has no knowledge of any wrongdoing within his campaign.

"That's the county's deal, and I don't really have anything to say about that," he said.

"I played no part in that. If something did take place, I had no knowledge of that."

Both Sanchez and Romero accompanied county election officials around the city's polling stations Wednesday morning, as they checked the voting machine tallies against those recorded by city election officials. In tow were around 25 of Sanchez's friends and family, who waited anxiously for word Monday's election result would hold up.

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After officials counted up the paper mail-in and curbside ballots, the final tally was announced as 1,126 to 1,123 in favor of Sanchez.

For Sanchez, who lost to outgoing Mayor Robert Loreda in 2003, the news ended a difficult few days in which she had to sit in on a meeting concerning the three uncounted votes only hours after the funeral of her father, who died in a household accident Friday.

"It was a sigh of relief in that I'm finally on the different end of this," Sanchez said.

"But I had faith. I've been through so much this week, with the passing of my father, it puts everything in perspective."

Romero said he would not contest the election result in court.

"I'm going to let this one go by; she won fairly," he said.

"I wish Ms. Sanchez all the luck in the world."

Sanchez will be sworn in as mayor at a special meeting Tuesday evening. Asked if she expected any difficulties in serving alongside commissioners whom she has openly criticized for years, the 41-year-old attorney was optimistic.

"I'm anxious to get started and work with everyone who's there," she said.

"If they're willing to do the things they said they wanted to do for the city, which are a lot of the same things I want, then I think we can work together."

James Osborne covers PSJA and general assignments for The Monitor. You can reach him at (956) 683-4428.

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Friday 26 March, 2004

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Five local voters cast two ballots each in primary

By: Lauren Hutton, Courier Staff

March 25, 2004

A handful of Montgomery County voters tried to get more bang for their ballot during the March 9 primary elections.

According to Montgomery County Elections Administrator Carol Chedsey Gaultney, five of the county's registered voters cast a ballot in both the Republican and Democratic primaries, which violates the election code. None of the races was affected by the discovery.

"It came to my attention late last week when entering voter history into the computer," Gaultney said. "Most people don't understand the primary system in Texas."

That was the case for Jay Marshall Smith, 22, of Conroe, who said it was his first time to vote.

"When I went to vote, I did not see a sign that (the poll) was only for Republican voters," he said Wednesday. "By the time I figured it out, it was already too late."

Smith, who then went to vote in the Democratic primary, said he hopes to see better signs next election.

Gaultney has passed the voter information to District Attorney Michael McDougal, who can decide whether to prosecute the Class C misdemeanor violation, punishable by a fine of up to \$500 fine.

Montgomery County Republican Party Chairman Dr. Walter Wilkerson said the District Attorney's office at least should interview the voters to learn their motives.

In these cases, according to Montgomery County Democratic Party Chairman Raymond McNeel, district attorneys usually do not prosecute because they have larger fish to fry.

McDougal did not return calls Wednesday.

"The larger concern is making the public aware of this problem," McNeel said.

"What I care about is that the public know they can't do this."

Another person who learned his lesson was Dieter Hellerbach, 70, of The Woodlands.

His wife Edda said her husband was new to voting in America, since he was from Germany.

"He did not understand what the primary was about," she said.

When voters go to the primary polls, they must sign the polling book, which is a "voter's affidavit."

This says that the voter understands that it is a criminal offense to knowingly vote in a primary election or participate in a convention of another party during the same voting year.

Gaultney said this also means county residents who voted in either primary

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GREATER
HOUSTON WEEKLY

cannot lawfully sign a petition to get Ralph Nader, who intends to run for president, on the ballot. Additionally, voters cannot vote in a different party's runoff election, such as the April 15 runoff for Railroad Commissioner. To learn more about the primary system and voting rights, visit the Montgomery County Elections Central Web site at www.pleasevote.us. Visitors can sign up to receive a newsletter with updates on voting in the county.

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Reader Opinions

Post your opinion and share your thoughts with other readers!

▶ Name: Don Reynolds

Date: Mar, 26 2004

Hello,

Well, here's my recent voting experience. Like any good voter, I showed up at BB Rice, the sign at the door confused me a little...it said that Democrats had to vote elsewhere, I forget the exact wording and rationalization, but since I had decided to vote Republican, I turned right and walked down the hall. I was the only voter in the building, what's going on there? Showed them my card and they informed me I was at the wrong place, and gave me directions to the right one. I backtracked, down Loop 336 to the Conroe YMCA. Parked, and did a walking tour of the facility. I'd never been there before. After walking a mile or so, and was about to give up, I spotted some movement in a small building out back and despite having to walk another mile, decided to check it out. Turned out it was the polling place. Again, I was the only voter there. The poll people told me how they were starving, seems like someone forgot to pick up their order of food at Vernon's. I offered to help, but they assured me they were ok and could stick it out. Like a good MC Democrat, I cast my vote for Jenkins, Dean, and left.

The whole experience leaves me wondering if some "powers that be" are trying their best to keep MC citizens from voting.

dr

▶ Name: Sam Brandon

Date: Mar, 25 2004

It is true that something needs to be done to prevent something like this to happen again. However, it appears to me that on the Republican side they rubber stamp the voters card. Does the Demos do the same? If, so how come the second voting table didn't see it? Maybe, the both election judges need to determine how that system failed. It shouldn't cost a lot of time or money as a volunteer.

Someone dropped the ball. If, this would have been the general election I'm afraid you would probably see Demos screaming to recount. This may not be a big issue, but it does say that our penciling in process is a little out dated. Does anyone agree with that?

Number of Opinions: 2

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HoustonChronicle.com



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Oct. 18, 2003, 2:47PM

TX

Hearne man sentenced in illegal voting case

Associated Press

COLLEGE STATION -- A man has been fined \$2,500 and sentenced to five years probation after he pleaded guilty to illegal voting for casting 34 ballots during the May municipal elections in nearby Hearne.

Charles Workman did not cast a vote in his own name during the election, in which incumbent Mayor Ruben Gomez was re-elected.

But authorities said he did vote for nearly three dozen other residents using absentee ballots. He also forged forms saying some people had moved from one home to another.

Workman will not be allowed to campaign or collect absentee ballots during his probation, Robertson County District Attorney John Paschall told the Bryan-College Station Eagle for today's editions.

The district attorney said Workman is the fifth person to plead guilty to similar charges brought by a grand jury in August. At least one person will serve jail time for his role, he said.

Paschall could not immediately recall the names of the other four individuals.

Workman was one of 17 people indicted in the voting fraud case in August. Another Hearne resident, Corona Williams, was indicted on seven counts of illegal voting Wednesday.

Allegations of voter fraud surfaced shortly after the May 3 election. The election had a 45 percent voter turnout, which is high for Hearne, and nearly 50 percent of the votes were absentee ballots, mailed in by people who claimed to be disabled.

Illegal voting is a third-degree felony punishable by two to 10 years in prison and a fine of up to \$10,000.

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Newsday.com

<http://www.newsday.com/news/local/newyork/politics/ny-nvlieu232975372oct23.0.6392771.story>

Ex-Candidate Accused of Voting Twice in Elections

NY

By Karen Freifeld
STAFF WRITER

October 23, 2002

The former Conservative party candidate for lieutenant governor was arraigned yesterday on an indictment charging him with illegal voting.

Daniel Mahony, who was once Tom Golisano's running mate, allegedly voted twice in two general elections. In November 2000 and November 2001, he voted with both an East 14th Street address and an East 55th Street address, according to the Manhattan District Attorney's office. Mahony has denied that charge.

The politician was removed from this year's ballot because he said that, as of Aug. 14, he was no longer a resident of New York State. But prosecutors said a check of records show he is still listed as a tenant at the East 14th Street address.

Additionally, prosecutors in District Attorney Robert Morgenthau's office said their investigation uncovered evidence that Mahony faked a photo that he used as evidence in trying to get a parking fine reduced.

For that, Mahony was charged with a felony count of offering a false instrument for filing. Like the felony illegal voting charge, it is punishable by up to four years in prison.

Mahony, who was led to a Manhattan State Supreme Court courtroom yesterday in handcuffs but released on his own recognizance, pleaded not guilty.

Alan Futerfas, his attorney, later said he thought the charges were "unwarranted," and was disappointed they were brought. He also said he had never before seen a felony charge for a parking ticket.

The attorney said Mahony was an official resident of Connecticut.

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WA

Thursday, October 13, 2005 - 12:00 AM

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Voter names found twice

By Keith Ervin and Justin Mayo
Seattle Times staff reporters

Just one month before voters decide the future of King County's Democratic executive, Ron Sims, Republican Party leaders yesterday accused his administration of failing to remove thousands of duplicate registrations from the voter rolls.

GOP officials and Republican members of the Metropolitan King County Council said they officially will challenge the registrations of about 2,050 voters Monday.

In all, they said they found nearly 3,400 voters they suspect are registered twice with the county's Elections Office. They say they are challenging only those they can fully document.

Duplicate registrations can occur when voters re-register with new addresses or name changes if their old registrations aren't deleted from the voter database. The duplications alleged by the Republicans represent less than half a percent of King County's more than 1 million registered voters.

If duplicate registrations are not purged from the rolls, those voters could cast more than one ballot in an election, which is illegal. Republicans yesterday released the names of 16 voters they say voted twice in the contested 2004 governor's race.

Illegal votes, accounting errors and mishandled ballots in King County played a prominent role in Republican Dino Rossi's lawsuit challenging the election of Democrat Christine Gregoire as governor last year. Chelan County Superior Court Judge John Bridges ruled in June that he did not find a basis for overturning the election.

Election officials and Sims quickly said yesterday that at least one name on the GOP's duplicate-voters list appeared to be a mistake — and they questioned the Republicans' motives in making a media splash.

Elections Office spokeswoman Bobbie Egan said a woman singled out by the Republican Party as having voted twice in the 2004 general election and again in the 2005 primary actually appears to be two women with the same name but different birthdates.

At least two other names on the list of suspected double voters have been referred to the county Prosecutor's Office, and criminal charges have been filed against one person.

Elections Director Dean Logan said the Republicans seemed more interested in scoring partisan political points than in solving problems.

But Republican County Councilman David Irons, who is running against Sims for county executive, said his party's analysis of the voting list shows that Sims and Logan aren't doing their jobs.

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Irons has repeatedly called for Logan's dismissal and has proposed a county charter amendment that would put elections in the hands of an elected auditor.

"It's a sad day that we're here again talking about election flaws from this election and past elections," Irons said. "Dean Logan, why didn't you do the data search that, quite frankly, any high-school computer student could do?"

Logan took the unusual step of meeting with reporters before the Republican news conference to defend his record and attack his critics. About 40 election workers attended the meeting to show support for their boss.

"This has gone beyond interest in the elections and election integrity. In essence, this is a witch hunt trying to make this a top-tier campaign issue," Logan said later.

Logan said his office, as part of routine list maintenance, has purged the voter list of 9,100 voters' duplicate registrations and has dropped the names of 8,900 dead voters this year.

He said County Councilwoman Kathy Lambert, R-Woodinville, asked him several weeks ago to look at a Republican Party list of apparent duplicate voters and he agreed to do so. But instead of bringing him the list so he could check those registrations, Logan said, he learned yesterday morning the Republicans were preparing to release their findings directly to news media.

When Logan reminded her of that conversation yesterday, Lambert said, she told him that Republicans would give Logan their list and any future lists so errors in the voter rolls could be corrected.

The voter challenges being prepared by the Republicans will address two categories of suspected double registrations: voters who have exact matches of birthdate, address, and first, middle and last names; and women with matching first names, addresses and birthdates. The second group, numbering 3,702, are believed to have changed their last names because of marriage or divorce.

The Republicans are not at this time challenging 2,650 registrations of voters who they believe moved to new addresses but whose previous registrations were not purged. They will continue to investigate those voters, said party vice chairwoman Lori Sotelo.

Keith Ervin: 206-464-2105 or kervin@seattletimes.com

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Friday, October 14, 2005 - 12:00 AM

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Election 2005

Woman allegedly voted twice in elections

By Keith Ervin
Seattle Times staff reporter

A woman accused by the King County Republican Party of voting twice in the November 2004 election and again in last month's primary is under a criminal investigation for double voting, a county election official said yesterday.

The Elections Section referred the case to the county prosecutor's office Aug. 31 to investigate whether she voted twice in 2004, election spokeswoman Bobbie Egan said.

The woman, who lives in a downtown Seattle apartment building, has not been charged with a crime. The Seattle Times does not generally name suspects until they are charged.

She was on a list of 16 voters identified by the Republican Party as having voted twice in the 2004 election. The Seattle woman was the only person on the list accused of voting twice in each of two recent elections.

Egan said Wednesday the woman's name appeared twice in the voter-registration database with two different dates of birth, so it seemed there might be two voters with the same name.

Egan didn't realize on Wednesday that the woman's name had been forwarded to prosecutors, she said yesterday. She said she didn't know how election officials learned she might have cast extra ballots.

The woman apparently has had two registrations since 2004, but routine computer checks for duplicate registrations didn't bring up her name because she was registered under two different birth dates, Egan said.

Republican leaders said Wednesday they had found more than 3,000 voters who appear to be registered more than once, allowing the possibility of double voting. Their investigation of voter records is continuing.

Keith Ervin: 206-464-2105 or kervin@seattletimes.com

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Wednesday, June 22, 2005, 12:00 A.M. Pacific

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6 accused of casting multiple votes

By Keith Ervin

Seattle Times staff reporter

Criminal charges have been filed against six more King County voters for allegedly casting more than one ballot under a variety of circumstances in last November's election, prosecutors said yesterday.

Two defendants, William A. Davis of Federal Way and Grace E. Martin of Enumclaw, were accused of casting absentee ballots in the names of their recently deceased spouses, Sonoko Davis and Lawrence Martin, respectively.

A mother and daughter were also charged with casting a ballot in the name of the mother's dead husband. The mother, Harline H.L. Ng, and her daughter, Winnie W.Y. Ng, both of Seattle, signed their names as witnesses to the "X" marked on the ballot of Jacob Ng, who had died in February 2004.

Jared R. Hoadley of Seattle was accused of casting a ballot in the name of Hans Pitzen, who had lived at the same Seattle address as Hoadley and who died last May.

Dustin S. Collings, identified as a homeless Seattle resident, was charged with casting two ballots, both using the alias of Dustin Ocoilain, a name that was listed twice on the voter-registration rolls.

The defendants are charged with repeat voting, a gross misdemeanor that carries possible jail time of up to one year and a fine of up to \$5,000.

Election officials asked prosecutors to investigate the voters after news reporters and a blogger reported that they may have voted twice. The voters will be arraigned July 5 in King County District Court.

Two other voters previously received deferred sentences — and avoided jail time — after they pleaded guilty to charges of repeat voting.

The King County Sheriff's Office is investigating several other cases, prosecutors reported yesterday. The investigations resulted from the intense scrutiny surrounding the governor's election in which Democrat Christine Gregoire defeated Republican Dino Rossi by 129 votes after he narrowly won two earlier vote counts.

After the November election, prosecutors also successfully challenged the voter registrations of 648 felons whose right to vote had not been restored.

Keith Ervin: 206-464-2105 or kervin@seattletimes.com

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Original URL: <http://www.jsonline.com/news/metro/sep05/357575.asp>

Man charged with voting twice says he filled out extra card by mistake

By GEORGIA PABST
gpabst@journalsentinel.com

Posted: Sept. 21, 2005

A 25-year-old Milwaukee man charged with voting twice in the Nov. 2 presidential election said Wednesday he filled out two on-site voter registration cards that day by mistake, but only voted once.

Testifying in his own defense, Enrique Sanders said he couldn't remember for whom he voted, though he knew it wasn't President Bush.

After irregularities appeared in Milwaukee's vote, a joint state and federal investigation led to illegal voting charges against more than a dozen people. Sanders is one of the first to go to trial.

"There's no evidence he was paid to vote and he's not even sure who he voted for," his attorney, Brian Mullins, told jurors during closing arguments. He said Sanders has a learning disability and has trouble reading and remembering.

But Assistant U.S. Attorney Richard Frohling asked jurors, if Sanders didn't care about the election, why did he wait in line at the Franklin Pierce School polling place for more than 1 1/2 hours to cast his ballot?

"He wanted to make sure his vote counted and it was important enough to make his vote count twice," he said.

Frohling said Sanders' two registration cards each show different numbers. Election officials testified that a number means a person was issued a ballot.

But Sanders insisted he did not vote twice. He said he went to the poll with his girlfriend, but the line was long so he took her home and returned alone.

Tiffany Harrell testified that she and Sanders got registration cards, and she said she thought Sanders put the card in the visor or door of his car.

Sanders said when he returned, he filled out one registration form in line with the address 1133 W. Highland. But there is no address and he actually had lived at 1133 N. 18th St.

He said when he gets rushed or is in a crowd, he tends to make mistakes. At the desk, he said, he told the poll worker he made a mistake and filled out another card. He said he didn't know what the worker did with the other card and said it might not have been destroyed as it should have been.

But Milwaukee police officers on said voting cards indicated that Sanders had been given two ballots.



Frohling said Sanders originally told police he couldn't explain why there were two registration cards. Milwaukee Police Officer Neil Saxton testified that Sanders' demeanor was different, too: "He spoke more clearly and concisely and didn't act like he didn't understand."

The jury is expected to decide the case today. Sanders faces up to five years in prison and a \$10,000 fine if convicted.



Earlier in the day, Kimberly Prude was convicted by a different federal jury of voting in the election. She was an ineligible felon at the time.

Elections Investigation




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From the Sept. 22, 2005, editions of the Milwaukee Journal Sentinel
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0229901

Original URL: <http://www.jsonline.com/news/metro/aug05/350183.asp>

WS

Nothing points to fraud in 9 double voting cases

But U.S. attorney expects other charges in election investigation

By GREG J. BOROWSKI
gborowski@journalsentinel.com

Posted: Aug. 22, 2005

Investigators found no evidence of fraud in nine cases of potential double voting cited this month by the state GOP, but U.S. Attorney Steven Biskupic indicated Monday the ongoing investigation will likely lead to more charges.

The state Republican Party used U.S. Postal Service change of address records to track voters from city to city.

At an Aug. 9 news conference, party officials said that they had found nine cases where people were listed as having voted in the November presidential election in Milwaukee while also casting ballots in Chicago, Madison or Minneapolis.

Biskupic said investigators reviewed each case cited and found assorted clerical errors and other inconsistencies, but no fraud.

He is leading the ongoing investigation with Milwaukee County District Attorney E. Michael McCann. They launched the probe after the Journal Sentinel found widespread irregularities in the vote, including thousands more votes tallied in Milwaukee than people recorded as having voted.

Biskupic and McCann have said more than 200 felons illegally voted in the city while still on probation or parole. At least another 100 people voted fraudulently, including voting twice, from non-existent addresses or voting in the name of a dead person.

So far, 10 felons have been charged with voting illegally. Two others have been charged with double voting. In addition to those federal cases, two were charged in Milwaukee County Circuit Court with falsifying voter registration cards. None of the cases has gone to trial.

"There still is no evidence of a widespread conspiracy," Biskupic said. "But there still is plenty of evidence of double voting and the like."

The GOP highlighted its allegations on the same day Republican lawmakers sent to Gov. Jim Doyle a bill that would have required voters to show a photo ID at the polls. Doyle quickly vetoed the bill, as he had done with two previous versions of the measure.

Doyle spokeswoman Melanie Fonder said Monday that the Republicans were grandstanding with their allegations of fraud.

"It's very clear this was just politics and not about real election reform," she said.

Amendment possible

After Doyle's veto, Republican lawmakers said they are now considering working to put a photo ID requirement on the ballot as a proposed constitutional amendment, which would bypass the governor. Such an amendment would require passage in two sessions of the Legislature and then be approved in a statewide vote. Backers say it is needed to help curb fraud and tighten up a system that is among the most open in the nation. Critics say the bill would disenfranchise the elderly and the poor.

Doyle has indicated he would back a requirement that voters show an ID, such as a utility bill, but has balked at the GOP demand that it be a

<http://www.jsonline.com/news/metro/aug05/350183.asp?format=print>

Election Investigation




Quotable

“There still is no evidence of a widespread conspiracy.”

- U.S. Attorney Steve Biskupic (left), at a news conference in May with District Attorney E. Michael McCann

Archived Coverage

 **Archive:** Previous coverage of the investigation into Milwaukee's Nov. 2, 2004 election

029902

8/24/2005

photo ID.

At its news conference, the GOP said it had nine cases of apparent double voting but refused to provide details to the media. The party's news conference was held outside a home on Milwaukee's east side.

The Journal Sentinel reviewed voting records at that address and found three people recorded as voting: Stuart and Gayle Schenk and their son, Joseph. The Schenks told the newspaper that Joseph had moved to Chicago to join the Franciscan order of the Roman Catholic Church and did not vote here.

They could not be reached for comment Monday.

Poor recordkeeping

In a letter issued Monday, Biskupic's office outlines what it found in each of the nine cases.

Six of the names were incorrectly included in the city Election Commission's database of Nov. 2 voters because of clerical errors.

For instance, names were not recorded correctly in polling place logbooks. Or the wrong name was recorded when names from the books were later scanned into a computer.

In the other three cases, the letter says, the individuals voted only in Milwaukee. For instance, someone with a similar name but different birth date voted in the other city.

The letter underscores the level of recordkeeping problems in the Election Commission office.

During its investigation, the newspaper found hundreds of cases where people were listed in the database as voting twice, something city officials blamed on a computer glitch. The newspaper also found dozens of cases where the number of voters recorded in logbooks was different from the votes counted in the precinct.

"These raised a flag with us because of everything that has gone on over there," said Rick Wiley, executive director of the state Republican Party. "We're going to continue our investigation into what we consider a mess over there."

Wiley said the party last week sent 10 more names of potential double voters to investigators.

He also said before holding its news conference, the party had sent 49 cases of potential double voting within the city of Milwaukee to investigators. Of those, Wiley said, investigators had indicated 48 of the cases were not cases of fraud, while the other is being looked at as a fraudulent vote.

"The governor continues to blame this on clerical errors," Wiley said. "But the investigation has made it clear. People have been charged with voting fraudulently in this election."

Sue Edman, the new executive director of the city Election Commission, said she is working to clean up the system to cut down on clerical problems.

From the Aug. 23, 2005, editions of the Milwaukee Journal Sentinel
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LOCAL NEWS

Posted Jan. 11, 2005

Charge reduced in voter fraud

College student gets probation for casting 2 ballots

By Dan Wilson

Post-Crescent staff writer

APPLETON — A college student who voted in two cities last spring received probation Monday after a felony charge was reduced to a misdemeanor in a plea agreement.

Outagamie County Circuit Judge Dee Dyer placed Michael R. Howard of Appleton on probation for one year and ordered him to perform 150 hours of community service. Dyer also ordered the record of Howard's conviction expunged after he successfully completes probation.

Howard, 20, 1036 E. Moorpark Ave., was charged with felony voter fraud, but Assistant Dist. Atty. John Daniels told Dyer the facts justified amending the charge to making a false statement on a voter registration form, a misdemeanor.

Howard voted in the nonpartisan election last April by absentee ballot in Appleton and in person in Eau Claire, where he attends college.

"He did not vote twice for the same individuals," said Daniels. "Therefore, the state does not believe at his young age he should be labeled a felon for the rest of his life."

According to Daniels, the elections in both cities were local, and there were no state or national issues on the ballot.

Dyer asked Howard, who has good grades, how he could contemplate voting twice in the same election.

"I became aware of the city council elections and not thinking, I did it," Howard said.

Dan Wilson can be reached at 920-993-1000, ext. 304, or by e-mail at dwilson@postcrescent.com

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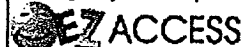
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imagination at work

Jeannie Layson /EAC/GOV

05/09/2007 04:45 PM

To ggordon@mcclatchydc.com

cc

bcc

Subject IG review of EAC

Mr. Gordon,

Per our conversation, EAC chair Donetta Davidson asked our IG to review the circumstances surrounding both the voter ID and vote fraud and voter intimidation projects. Go here for more info, which includes some of the inquiries we've gotten from Congress about these projects.

I'm already working on your request, and I will keep you apprised of my progress. Call if you need anything or have questions about the material you just picked up.

Jeannie Layson

U.S. Election Assistance Commission

1225 New York Ave., NW

Suite 1100


Washington, DC 20005

Phone: 202-566-3100

www.eac.gov

029905

Jeannie Layson /EAC/GOV
05/09/2007 01:28 PM

To "Gordon, Greg"
<ggordon@mcclatchydc.com>@GSAEXTERNAL
cc
bcc
Subject RE: Your FOIA request 

No problem. I can't WAIT to get the new request. See you later this afternoon.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
"Gordon, Greg" <ggordon@mcclatchydc.com>



"Gordon, Greg"
<ggordon@mcclatchydc.com>
>
05/09/2007 01:26 PM

To jlayson@eac.gov
cc
Subject RE: Your FOIA request

I'll get the new request to you this afternoon and will phone you before walking over. Thanks, Jeanne.

Greg Gordon
National Correspondent
McClatchy Newspapers Washington Bureau
202-383-0005
ggordon@mcclatchydc.com

Visit McClatchy's 31 daily newspapers, including the Miami Herald, Sacramento Bee, Ft. Worth Star-Telegram, Kansas City Star, Charlotte Observer, Raleigh News & Observer and others, at www.mcclatchy.com.

From: jlayson@eac.gov [mailto:jlayson@eac.gov]
Sent: Wednesday, May 09, 2007 12:25 PM
To: Gordon, Greg
Subject: Your FOIA request

Hello Greg,
Just following up from our conversation yesterday -- your FOIA request regarding emails b/w staff and commishes and Tova Wang and Job Serebrov is ready. I can have someone walk it over if you want. Also, don't forget to send your other request, which as I understood it is emails/correspondence b/w DOJ and EAC commissioners and staff regarding vote fraud and voter intimidation. If that's the case, I'll go ahead and start pulling this info.

Thanks. If you need to call me my number is 202-566-3103.

029906

Jeannie Layson
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Phone: 202-566-3100
www.eac.gov

029907

Jeannie Layson /EAC/GOV
05/04/2007 02:36 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC

cc

bcc

Subject Wendy Weiser

Just wanted to let you know that I called her today to tell her that I would be sending some responsive documents per her FOIA request about the vote fraud project that were not included in my previous response. Mostly these are emails that were not provided to me before, as well as a few memos and letters that were also not provided.

She said she was getting ready to send an appeal based on the belief that I did not provide her all of the emails and relevant letters, memos, and other documents. She noted that most of the emails involved only two EAC staffers. I explained that the new documents I was sending would include emails from additional staffers. However, I believe the bulk of what she has includes CCs of other staffers, so another search would only turn up duplicates, but I will verify that.

Wendy also asked about all of the attachments in the emails. I told her it would have taken many months to print all of those out and make the determination whether they were releasable under FOIA. She offered to identify the attachments they would like to see, and I told her that would be helpful. She also noted that in my letter, I estimated that she was received about 1,500 pages. She said they counted and there were only 800. I told her I estimated the page count, and she accepted that.

I asked her if she would consider holding off on the appeal until she received the additional documents, as they may satisfy her appeal. She agreed, and I told her I would send everything by the end of next week. She also requested that I send a scanned copy. I explained that only one of our scanners was working, and that it did not have the capacity to scan huge files.

I will keep you apprised...

Jeannie Layson
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www.eac.gov

029908

Jeannie Layson /EAC/GOV

05/04/2007 10:12 AM

To Curtis Crider/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC

bcc

Subject FOIA requests

Curtis,

In reference to FOIA requests about the vote fraud and voter intimidation and voter ID projects, and whether EAC should respond while the Office of Inspector General reviews circumstances surrounding these projects, I have come to a decision regarding this issue. After speaking with EAC's general counsel and reviewing your response to the chair's questions about communication during your review, I conclude that as EAC's FOIA officer, I must continue to follow the law and respond to FOIA requests regarding these topics. I will certainly provide copies of my responses to your reviewers and answer any questions you have. However, per your recommendation, I will decline answering questions from the media and the public until your review is complete. Please let me know if you have questions, and I appreciate your cooperation and counsel in this matter.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
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Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

029909

**Deliberative Process
Privilege**

Jeannie Layson /EAC/GOV
05/02/2007 12:25 PM

To jthompson@eac.gov
cc
bcc
Subject brennan center letter

Would you take a look at this and see if the language is okay? This is about sending her the emails and docs that weren't given to me by staff when she submitted her FOIA request.



Brennan 5-2-07.doc
Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

029910

**Deliberative Process
Privilege**



**U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005**

May 2, 2007

Ms. Wendy R. Weiser
Deputy Director, Democracy Program
Brennan Center for Justice
161 Avenue of the Americas, 12th Floor
New York, NY 10013

Dear Ms. Weiser:

This letter is in reference to your Freedom of Information Act (FOIA) request received by the U.S. Election Assistance Commission (EAC) on November 13, 2006. The request sought certain agency records concerning two agency draft reports, *The Voter Fraud and Intimidation Report* and *The Voter Identification Report*. Specifically, the request sought: (1) “the report on voter identification prepared by the Eagleton Institute of Politics and the Moritz College of Law,” (2) “the report on voter fraud and voter intimidation prepared by Tova Wang and Job Serebrov,” (3) The voter identification and voting fraud report requests for proposals and contracts, and (4) communications relating to the above reports between the EAC and Eagleton Institute of Politics, the Moritz College of Law, Ms. Tova Wang, Mr. Job Serebrov, or other third parties.

On December 12, 2006, we provided a partial response to your request regarding items (1) through (3) above. In regard to item (4), on March 29, 2007, we provided copies of the responsive documents (approximately 1,500 pages). In reference to item (4), an estimated 300 pages of e-mails were withheld because the information in these e-mails is pre-decisional and protected by the Deliberative Process Privilege.

Since our March 29, 2007 response, I have found responsive emails and documents in reference to your original request that were not included the EAC’s responses. For your information, I have attached these documents.

Please let me know if I can be of further assistance, or if you have questions regarding this information.

Sincerely,

Jeannie Layson
Director of Communications
U.S. Election Assistance Commission

Attachments:

1. Responsive Documents

029911

Jeannie Layson /EAC/GOV

04/19/2007 05:03 PM

To ghillman@eac.gov

cc

bcc

Subject info

See this link from her NPR interview: <http://www.npr.org/templates/story/story.php?storyId=9536101>

Voting rights and wrongs

By Donna Brazile

THE WASHINGTON TIMES

Published April 16, 2007

Just when civil rights advocates were celebrating recent advances in restoring the voting rights of 5.3 million Americans prohibited from voting in several states because of their felony convictions, along comes the news that the Bush administration has been playing politics with meaningful electoral reform.

Geez, can't they focus on governing without engaging in partisan warfare?

The New York Times has reported that the Election Assistance Commission, a federal agency charged with administering federal elections, "played down the findings of experts who concluded last year that there was little voter fraud around the nation." According to the New York Times' review, the "original report on fraud cites 'evidence of some continued outright intimidation and suppression' of voters by local officials, especially in some American Indian communities, while the final report says only that voter 'intimidation is also a topic of some debate because there is little agreement concerning what constitutes actionable voter intimidation.' "

Just why would the EAC suppress or alter a report that could have helped restore citizens' confidence in our electoral system? Did someone pressure them to disown reports they commissioned? If so, we need to find the guilty parties and bring yet another shameful episode of partisanship to public attention.

As the Times notes, this issue played a "significant role" in the Bush administration's "firing of eight United States attorneys, several of whom, documents now indicate, were dismissed for being insufficiently aggressive in pursuing voter fraud cases." Perhaps disgraced Attorney General Alberto Gonzalez will have the decency to respond to these allegations next week when he testifies on Capitol Hill.

The Election Assistance Commission, according to its own mission statement, is supposed to be a clearinghouse for all "matters that affect the administration of federal elections," providing "information and guidance with respect to laws, procedures and technologies affecting the administration of federal elections." Fair enough, but why did they shove aside a report that could have provided timely guidance to members of Congress trying to address so-called voter fraud by imposing restrictive voter-ID requirements?

The EAC not only refused to accept the reasoned conclusion of its bipartisan consultants, they also refused to release those findings at a time when doing so would have discounted claims of rampant voter fraud that were the justification for the restrictive voter ID law passed last year by the Republican-controlled House of Representatives. Thank God the Senate had no appetite to

029912

take up a similar measure being pushed to address the phantom of voter fraud.

Here we approach another major electoral season and the agency in charge of helping states reform their electoral practices has lost its credibility. Loyola Law professor and election expert Richard Hansen have written that the "EAC needs to remain a credible broker and cannot be timid by what it finds." Mr. Hansen believes that if the evidence supports one side of the debate, that is "not a reason to disown a report and start over." Hmmmm, unless it's about politics and helping one side gain an electoral advantage.

Since the 2000 presidential election, states have moved to enact stringent voter ID requirements. According to election experts, as of the November 2006 election, 24 states had enacted some form of voter identification law, up from 11 in 2000.

While state and federal courts have thrown out some restrictive and punitive photo ID laws on the grounds they may lead to disenfranchising poor, elderly or minority citizens otherwise eligible to vote, the drumbeat still rages to put in place more punitive laws. The motives are simple: Suppress the turnout of eligible citizens who may not embrace the political priorities of one of the major political parties. Shameful.

No citizen should vote twice, and felons and others seeking to have their voting rights restored must remain patient while the wheels of justice turn in their favor. But, under the guise of people "stuffing ballot boxes," allowing the dead to vote or undocumented workers attempting to claim citizenship, Republican lawmakers have begun to erect new laws that could severely curtail the right of all eligible citizens to vote and have those votes counted accurately.

Perhaps it's time we all put aside partisan consideration and agree that no eligible citizen should have to pay to vote. As many civil rights advocates will tell you, proof of citizenship requirements can place an undue financial burden on voters. I know because many of my family members who had all their possessions washed away during Hurricane Katrina are still scurrying to replace passports, birth certificates and other proof of citizenship, and the expense is shocking.

We should also agree that no eligible citizen should face intimidation by partisan poll workers or be asked to produce ID at the polling place when state law only requires first-time voters and those who did not list an ID number on their registration forms to do so. It's wrong, and it's illegal.

The Justice Department and the Election Assistance Commission, you are now on notice that civil rights groups are watching your every step, your partisan reports and, yes, your role in destroying one of the most important ingredients of our democracy: the right of all citizens regardless of race, gender, disability, age or class to participate in the electoral process.

Donna Brazile is a political commentator on CNN, ABC and National Public Radio and former campaign manager for Al Gore.

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04/19/2007 10:32 AM

To EAC Personnel

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Subject Today's News (04-19-07)

National

Carnahan urges time , resources to deal with election laws (Comm. Hillman quoted.)

Lawmakers call for e -voting paper trails (Comm. Hillman quoted.)

Commission urges caution on election reform (Comm. Hillman quoted.)

Rodriguez elected EAC vice -chair

Rodriguez elected EAC vice -chair (NALEO press release)

The fraudulance of fraud (Rep. Serrano says our report could be the next Watergate, says WH may have had a role in editing report.)

A selective view of fraud (Says WH edited our report. I have requested a correction.)

Voter ID laws need measured implementation (EAC fraud report)

What the Senators should ask Gonzalas (EAC fraud report mention)

A really important homework assignment (Action alert to notify the public about DRE dangers, including contacting me at EAC.)

Millender-McDonald reveals few details

National

Carnahan urges time , resources to deal with election laws

By SAM HANANEL, The Associated Press

Apr 18, 2007 8:07 PM (13 hrs ago)

WASHINGTON - States will need time and resources to comply with any changes that Congress might order to electronic voting systems, Missouri Secretary of State Robin Carnahan told a congressional panel on Wednesday.

"Obviously elections are run locally," Carnahan told the House Subcommittee on Information Policy, the Census, and the National Archives. "If you all take over the election process, that's a big change in our country and it will take money to do that."

The hearing examined the reliability and security of electronic voting systems that have been put into place across the country since the failure of paper ballots was exposed in the 2000 election.

Subcommittee chairman William Lacy Clay, D-Mo., said he wants Congress to require a paper trail to back up electronic voting machines and make the process of testing election software and verifying its security coding more transparent.

Clay cited results from the 2006 election that show some electronic voting systems still produced unreliable results, causing distrust among voters.

"It is absolutely vital that we utilize technology that provides an independent, auditable voting record that can be verified by election officials," Clay said.

Carnahan, a Democrat, said lawmakers need to give states a reasonable time frame to comply if Congress implements any changes, and guarantee full funding for any mandates that come down. She also urged lawmakers to gather input from state and local officials before taking action.

Carnahan described Missouri's elections as "fair, accurate and secure," and said the state's use of new optical scan and touch-screen voting systems was generally a success.

But there were some problems, such as long lines that formed when some polling places ran out of

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ballots. She said there is a need for more training for poll workers unfamiliar with the new technology.

Missouri is one of 27 states that already require paper records for electronic machines.

Gracia Hillman, a member of the U.S Election Assistance Commission, told Clay that only Congress has the authority to order nationwide use of paper voting verification.

Depending on what Congress does, Hillman said, at least 180,000 machines around the country would need to be replaced or upgraded. That could be a "recipe for colossal confusion" if lawmakers try to enact such legislation with only a year-and-a-half before the 2008 election, she said.

Clay also grilled Hillman about reports that EAC officials rewrote the findings of a government-funded report on voter fraud to downplay the pervasiveness of problems with electronic systems. Clay said he has concerns the EAC is improperly politicizing its work.

Hillman said changes in the report drafted by researchers at Rutgers University were made because some conclusions were not supported by the data.

"I do not believe that the EAC could have reached agreement on the conclusions offered by those researchers without being allowed to validate those conclusions," Hillman said.

Avi Rubin, a computer science professor at Johns Hopkins University, testified that an electronic voting system without a backup paper receipt cannot be properly audited.

Lawmakers call for e-voting paper trails By Grant Gross , IDG News Service

April 18, 2007

U.S. lawmakers on Wednesday called for electronic voting machines to include paper trail backups, while a government auditor said better security measures for the machines are needed.

A still-contested 2006 election for the U.S. House of Representatives in Florida's 13th district is a "prominent example of how, in some instances, electronic voting systems have produced unreliable results, raising concerns among voting-system experts and causing distrust among voters," said Representative William Lacy Clay, chairman of the House Information Policy, Census, and National Archives Subcommittee.

In the Florida House election, more than 18,000 voters failed to cast ballots on e-voting machines, and the Republican candidate won by fewer than 400 votes.

Clay, from Missouri, and other Democrats called for paper trail printouts to be required as a way to audit results from touchscreen DRE (Direct Recording Electronic) machines. But Gracia Hillman, a member of the U.S. EAC (Election Assistance Commission), warned Congress not to rush into paper-trail requirements.

Hillman avoided taking a position on paper trail ballots during a subcommittee hearing. But at least 180,000 DREs across the U.S. would have to be upgraded or replaced if Congress required paper trails, she said.

"When you combine the introduction of new equipment, earlier primaries, and the enormous tasks of recruiting and training poll workers to meet a presidential election year deadline -- which is only a year and a half from now -- you have all of the ingredients of a recipe for colossal confusion," Hillman said.

Robin Carnahan, secretary of state for Missouri, also called on Congress to allow reasonable time frames for changes in e-voting requirements. "Don't do things that create expectations but can't be met by local

election officials," she said.

Carnahan said the 2006 election in Missouri was "fair, accurate and secure." Voters there used optical scan and DRE machines with paper trails.

Other lawmakers seemed skeptical of the need for paper trails. Representative Bill Sali, an Idaho Republican, asked Hillman and Randolph Hite, director of information technology architecture and systems for the U.S. GAO (Government Accountability Office), if they knew of any e-voting machines that had been hacked during an election. Both said they were not aware of any.

But Hite called on state and local elections officials to pay more attention to e-voting security and machine life cycle.

Several groups have "raised significant concerns about the security and reliability of electronic voting systems," Hite said. "Many of these security and reliability concerns are legitimate and thus merit the combined and focused attention of federal, state, and local authorities."

In an extensive GAO review, the agency found that many jurisdictions did not use the most current voting system standards, and many do not consistently monitor election performance. Voting-machine best practices were implemented to "varying degrees," he said.

Security measures for e-voting machines "ranged from rigorous to ad hoc," Hite added. He called on the EAC to work with local and state election authorities to strengthen security measures.

Commission urges caution on election reform

National Journal's Congress Daily AM

An official with the commission charged with overseeing the administration of federal elections urged House lawmakers Wednesday to proceed with caution as they consider sweeping electoral reform legislation.

Election Assistance Commission member Gracia Hillman told the House Oversight and Government Reform Information Policy Subcommittee that earlier primary elections, new equipment and increased poll-worker training demands already stand to complicate the administration of federal elections next year, *National Journal's Technology Daily* reported.

During a hearing on electronic voting machines, she said lawmakers are right to question the use of certain e-voting machines. A measure sponsored by Rep. Rush Holt, D-N.J., would require all e-voting machines to be backed up by paper trails.

But Hillman said Congress needs to be aware of the confusion that extensive e-voting upgrades might cause. She also urged the panel to consider other electoral issues such as voter registration, participation and disenfranchisement.

Rodriguez elected EAC vice -chair VoteTrust USA

Former Denver City Council President Rosemary E. Rodriguez today was elected vice chair of the U.S. Election Assistance Commission (EAC) during a public meeting.

As vice chair, she will work with EAC Chair Donetta Davidson as part of the bipartisan leadership team at the commission to set priorities and communicate EAC initiatives.

"My foremost conviction is that all eligible voters should be empowered with simple, unfettered and uncomplicated access to registration and to the voting booth" said Rodriguez. "I look forward to working with my colleagues as we seek practical means to improve elections in this country in ways that most benefit the voters."

Vice Chair Rodriguez joined the EAC in March. She was nominated to EAC by President Bush in 2006 and confirmed by the U.S. Senate in February. She will serve until December 12, 2007, filling the remaining term of Ray Martinez, who resigned in August 2006.

She served on the Denver, Colorado City Council for three years, and was its president from 2005 to 2006. She was director of Boards and Commissions for the mayor's office from 2002 to 2003 and a clerk and recorder for the City and County of Denver from 1997 to 2002. In 1997 she was acting director of the Denver Election Commission where she supervised city elections. She has been active in numerous grass roots civic and voter advocacy organizations, including the Colorado Voter Initiative where she co-chaired a statewide initiative to allow Election Day voter registration. She was also a co-founder and chair of Latinos Vote, a voter registration project to register Latino voters and provide non-partisan election information to the Latino community.

EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

Rosemary Rodriguez elected EAC vice-chair
NALEO Press Release

Los Angeles, CA - The National Association of Latino Elected and Appointed Officials (NALEO), the nation's preeminent Latino leadership organization, congratulates Commissioner Rosemary Rodriguez on her election today to serve as Vice-Chair of the U.S. Election Assistance Commission (EAC). Commissioner Rodriguez, who is a former NALEO Educational Fund Board member, joined the EAC in March 2007, and was elected Vice-Chair by her fellow Commissioners at a meeting held in Kansas City, Missouri. The EAC is an independent bipartisan commission created to provide guidelines and resources to states for federal election reform.

Commissioner Rodriguez comes to her position with over a decade of experience in public service where she gained extensive expertise with many different aspects of election administration. In the 1990's, she was actively involved in educating community members about the need for representative districts during redistricting, and in 2001, she was appointed to the Colorado Reapportionment Commission and served as its Chair. For several years, she served as the City of Denver's Clerk and Recorder, where she was responsible for supervising candidate filings, voter registration and the dissemination of official election information. As Clerk and Recorder, she was a member of Denver's Election Commission, which directs city-wide elections.

Commissioner Rodriguez also served as a member of the Denver City Council since 2003, and in 2005, she was elected by her peers to serve a one-year term as Council President. Through her experiences in public service, Commissioner Rodriguez developed a thorough understanding of the challenges that voters face in gaining access to the electoral process. As a board member of the NALEO Educational Fund, she was involved in efforts to further Latino political participation through the organization's U.S. citizenship promotion work and non-partisan voter engagement project *Voces del Pueblo*.

"Rosemary Rodriguez brings a wealth of knowledge on election issues to the Election Assistance Commission," said John Bueno, NALEO President and former President Pro-Tem for the City of Pontiac, Michigan. "Throughout her career, she has demonstrated a strong commitment to ensuring that all voters

have a voice on Election Day, and she will provide the Commission with invaluable perspectives and expertise. NALEO congratulates Commissioner Rodriguez on her election," concluded Mr. Bueno.

The EAC is an independent bipartisan commission created by the Help America Vote Act of 2002 (HAVA).

It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource information regarding election administration. In addition to Commissioner Rodriguez, the members of the EAC are Chair Donnetta Davidson, Gracia Hillman, and Caroline Hunter. Commissioner Rodriguez succeeds former Commissioner Raymundo Martinez III, who resigned in August 2006.

The fraudulence of fraud

By Joel Bleifuss
In Our Times

On April 6, 2006, in Washington, D.C., Karl Rove gave a speech to the Republican National Lawyers Association and issued this dire warning:

We are, in some parts of the country, I'm afraid to say, beginning to look like we have elections like those run in countries where the guys in charge are, you know, colonels in mirrored sunglasses. I mean, it's a real problem, and I appreciate all that you're doing in those hot spots around the country to ensure that the ballot--the integrity of the ballot--is protected, because it's important to our democracy.

When Rove talks about protecting "ballot integrity," that is shorthand for disenfranchising Democratic Party voters. Over the last several years, the Justice Department, with the help of White House

operatives, has sought to boost GOP electoral fortunes by orchestrating a national campaign against voter fraud. But the administration overreached on Dec. 7, when President George W. Bush fired eight U.S. attorneys, a political scandal that some say could become this president's Watergate.

When Republicans talk about *voter* fraud they are referring to illegal voting by individuals, as opposed to *vote* fraud--systematic attempts to steal an election by an organized group of partisans. This emphasis on voter fraud has convinced eight states to pass laws requiring voters to present official photo identification in order to cast a ballot--laws that studies have shown suppress Democratic turnout among voters who are poor, black, Latino, Asian-American or disabled.

Understanding that one way to win closely contested elections is to keep Democratic voters away from the polls, the Republican Party has tried to stoke public fears of voter fraud. On Feb. 15, 2005, the U.S. Senate Republican Policy Committee issued a report, "Putting an End to Voter Fraud," which said, "Voter fraud continues to plague our nation's federal elections, diluting and canceling out the lawful votes of the vast majority of Americans." To remedy the situation, the Senate Republicans advised Congress to "require that voters at the polls show photo identification."

But voting experts maintain that voter fraud is not a national problem. In March, Lorraine C. Minnite, a professor of political science at Columbia University, released "The Politics of Voter Fraud," a report she prepared for Project Vote, an advocacy group based in Arkansas. She writes:

The claim that voter fraud threatens the integrity of American elections is itself a fraud. It is being used to persuade the public that deceitful and criminal voters are manipulating the electoral system. ... The exaggerated fear of voter fraud has a long history of scuttling efforts to make voting easier and more inclusive, especially for marginalized groups in American society. With renewed partisan vigor, fantasies of fraud are being spun again to undo some of the progress America has made lowering barriers to vote.

This is borne out by a study from the Eagleton Institute of Politics at Rutgers University, which found that in the 2004 election, voters in states that required documentation of identity were 2.7 percent less likely to vote than voters in states where documentation was not required. Specifically, the study, commissioned by the U.S. Election Assistance Commission, found that Latinos were 10 percent less likely to vote, Asian-Americans 8.5 percent less likely to vote and blacks 5.7 percent less likely to vote.

What's more, despite GOP claims to the contrary, voter fraud is a very rare occurrence. In 2002 the Justice Department established the Ballot Access and Voting Integrity Initiative to ferret out fraudulent voters. On Oct. 4, 2005, Attorney General Alberto Gonzales, with great fanfare, proclaimed, "We've made enforcement of election fraud and corrupting offenses a top priority." Yet according to an April 12 *New York Times* article, only 120 people have been charged with the crime over the past five years, leading to 86 convictions. Furthermore, the *Times* noted, federal attorneys say that most of the transgressions have been mistakes by immigrants and felons who simply misunderstood eligibility requirements.

The extent of voter fraud is further complicated by the fact that earlier this year the Election Assistance Commission changed the conclusions of a report it had commissioned. The original report by outside election experts concluded, "There is widespread but not unanimous agreement that there is little polling place fraud." The commission deleted that sentence and replaced it with, "There is a great deal of debate on the pervasiveness of fraud."

Rep. José Serrano (D.-N.Y.), who chairs the House Appropriations subcommittee that oversees the commission, is disturbed by this apparently politically motivated substitution. He told *In These Times*:

This possibly could be another Watergate. We have to ask the questions, "Why was this report doctored, and how does this play into the larger picture of voter suppression and intimidation?" By directing public attention to voter fraud you divert attention from the fact that Americans in certain communities are not able to cast their votes properly and that their votes are not being counted. Is this something that this small new agency thought of by themselves or did they get marching orders from somewhere else, perhaps as far up as the White House?

Firing prosecutors

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It appears that, under Rove's direction the White House has been planning to use U.S. attorneys to fan national fears of voter fraud. In his speech to the GOP lawyers, Rove listed 11 states that would play a pivotal role in the 2008 elections. Since 2005, Bush has appointed new U.S. attorneys in nine of those states: Florida, Colorado, Wisconsin, Minnesota, Iowa, Michigan, Nevada, Arkansas and New Mexico.

What's more, the firings of U.S. attorneys in New Mexico, Arkansas and Washington appear directly related to this Republican plan to exploit the issue of voter fraud and suppress Democratic turnout.

In Arkansas, Bush fired a sitting U.S. attorney in order to appoint Rove protégé Tim Griffin. (See "The Talented Mr. Griffin" by Greg Palast on page 31.)

In Washington, fired U.S. Attorney John McKay had refused to prosecute alleged voter fraud in the 2004 Washington governor's race, in which Democrat Chris Gregoire beat Republican Dino Rossi by 129 votes.

On March 6, McKay testified before the Senate that after the election Republicans pressured him to open an investigation. He said his office had examined the allegations of voter fraud and decided there was not enough evidence to pursue a case.

"Had anyone at the Justice Department or the White House ordered me to pursue any matter criminally in the 2004 governor's election, I would have resigned," McKay told the *Seattle Times*. "There was no evidence, and I am not going to drag innocent people in front of a grand jury."

In New Mexico, David C. Iglesias was equally suspect in the eyes of the GOP. Recall that in 2000, Gore beat Bush by 377 votes in New Mexico. Consequently, in 2004, Democrat-affiliated groups initiated voter registration campaigns in New Mexico. As a result, two boys, age 13 and 15, received voter cards in the mail. Iglesias responded by setting up a bipartisan task force to investigate. This didn't satisfy attorney Mickey D. Barnett, who represented the 2004 Bush-Cheney campaign in New Mexico. He told Iglesias he should bring federal charges against a canvasser who forged their signatures, which he refused to do.

In a *New York Times* op-ed, Iglesias wrote:

What the critics, who don't have any experience as prosecutors, have asserted is reprehensible--namely that I should have proceeded without having proof beyond a reasonable doubt. The public has a right to believe that prosecution decisions are made on legal, not political grounds.

Manufacturing voter fraud

The issue of fraudulent voters undermining American democracy did not spontaneously erupt. To promote national concern about voter fraud, in March 2005 GOP operatives with ties to the White House established a 501(c)4 organization called the American Center for Voting Rights Legislative Fund (ACVR). The group went public by establishing a Web site, ac4vr.com. (The site has since been taken down for unknown reasons.)

According to its 990 tax forms, ACVR is based in Midlothian, Va., and its executive director is Robin DeJarnette, who is also the founder and executive director of the Virginia Conservative Action PAC. However, according to the registration form for its Internet domain name, the group's address is a mailbox at a UPS Store in Dallas. The chairman of ACVR is Brian Lunde, a former Democratic National Committee official from Texas, who in 2004 was head of Democrats for Bush.

ACVR specializes in issuing studies that purport to document a host of voter fraud cases, like the report titled: "Democrat operatives far more involved in voter intimidation and suppression in 2004 than Republicans."

On March 21, 2005, four days after ACVR went public, Rep. Bob Ney (R-Ohio), then chair of the Committee on House Administration, opened hearings on 2004 election irregularities. One person who testified was ACVR National Counsel Mark "Thor" Hearne II, who described himself as "a longtime advocate of voter rights and an attorney experienced in election law." In the aftermath of the 2000